R.7.35

G. R. S. IX-5]

Previous references.

1897-98
~~191~~

File No. 4

Serial Nos. 1-40

(L.R)

Later references.

L.R. 4 of 1897

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-40.

All ~~Part~~ B for Jan, 1918.

SUBJECT.

Complaint of one Reay about the sale of his property on account of Land Revenue arrears due by him.

Forwarded

W D 83—GPB—50,000—24-7-15

(Note Cont'd)

Dewan's Office

SECRETARY'S OFFICE.

REVENUE BRANCH.

7 Encl

ub Mr Hendy
1st Councillor
14/11/00

OFFICE NOTE.

SUBJECT.

Complaint of Mr. J. T. Reay about the Sale of his property worth Rs for a low price of Rs. 200/- account of Land Rev: arrears.

LAST REFERENCE

Letter. No. 298 dated 8th Nov 1900

rom the Dy Commr, Madura

On the 22d September 18 the Amildar of the Madgoor Taluk issued a demand notice for Rs. 19-14-6 being the Kaist years due from Mr Reay for the years on his lands in the Togamangalam village. During the absence of the Khadedar from the village, the notice was affixed to the land on the 29th Sept. in the presence & Source of the Ryots

× Page 2.
(Vernacular file)

th October 1899 the
Sirkdar prepared
list shewing that the
undermentioned properties belonging to Mrs
Vaz were distrained for
fault in the payment
the Kandayem due by
him and that the value
of S. no. 143 was estimated
at Rs. 10. On the 20th Oct. 1900, 1899 (?)
the Amildar recorded the
order of declaration of
forfeiture of the right of
company of S. nos 134,
142, and 143 (with the bungalow)
their upset prices being fixed
at Rs. 6, 5, and 8 respectively
On the same date, the Amildar
issued the Sale notice fixing Para 5
30th Nov. as the date of Sale
but no mention was made
in it of the bungalow on S. no
143. On the 30th November 1899.
the villagers represented to the
Sirkdar that as they had
go to Goanbeed that day for
a festival, they could not Para 6.

S. no.	Extent A G	Assessment
134 (coffee)	3—30	6—0—0
142 "	2—35	4—8—0
143 "	5—14	8—0—0

Containing a bungalow & some mango trees

the things in the bungalow.
The Sale notice was affixed to
a conspicuous place in the
village on the 16-12-99.
& was also otherwise published
in the village, &c. On the
prescribed date, the Sheikdar
held the Sale at which there
were no bids for S. nos. 142
and 134, and Mr. Playfair's
was the highest bid, viz
Rs. 250, for S. no. 143 (including
the bungalow covered with
mangalore ~~tiles~~ tiles). Immediately
the purchaser deposited
1/4th of the purchase money
& paid the balance on the
9th Feb: 1900.

2. On the 17th Feb: 1900, the
Amildar Submitted a re-
port to the Assistant Commr.
in charge of the Taluk, and
Solicited orders as to the confir-
mation of the Sale, and the disposal
of the amount remaining at
the credit of the defaulter
after deduction of the Kandayam
due by him. The Assistant
Commr. (Mr C. Venkatarao).

Note. Sale notices had also been sent to the Bangalore & Kolar Taluk for Service on the defaulter, if he was there. As he could not be found there, they were returned unserved

Vide Para. 15—

which was knocked down to him.

× Para 20/1

attend the Sale, which might therefore, be held on the following day, and the Sheikdar who had been deputed to conduct the Sale, put it off to 1st Decr 99. On that date, the villagers informed the Sheikdar that if the lands with the bungalow were to be Sold, many persons would like to purchase them, but that there were some furniture and other things in the bungalow, that they did not know whether all those things would be Sold & that the bungalow alone might fetch Rs. 150. They therefore requested that they be given definite information as to what all would be Sold, & that the Sale be put off to some other date. Accordingly, the Sheikdar Solicited the orders of the Amildar, who issued a fresh Sale notice fixing 25th January 1900 as the date of Sale, & directed that the lands & the bungalow alone should be Sold &

instructed the Amildar to

wait ~~[illegible]~~ for a
month from the date of
Sale & then recommend the
confirmation of the Sale,
Should there be no takarars
within that time; and also
observed that Such large
Sales Should not be entrusted
to low paid officials.

3 On the 27th Feb: 1900, the
Amildar reported that there
were no takarars, that if
Mr Reay Should come to
know of this, it was likely
that he would take ob-
jection, as he was trying
to Sell away the bungalow
to the Govt for a higher
price, that for anyone,
who would like to get
the bungalow repaired, and
live there, the bargain
was, no doubt, ~~[illegible]~~
very profitable, as the price
was very low, that the
villagers, who were aware
of the Sale of the bungalow

and to whom the Amildar personally spoke about the price of the bungalow & the mango trees, did not care to offer a higher bid than Rs. 250/-, that the Mangalore ~~tiles~~ tiles (about 4000 in No.) alone would cost nearly 200 Rs, and that considering all the circumstances, it would be better, ~~[illegible]~~, if, to remove all doubt, the Sale were held by a higher officer & In reply, the Assistant Commr (Mr B. Ramaswamaiya) observed that the value of the coffee land with the bungalow thereon, should have been estimated at more than Rs. 50/-, that if a proper estimate had been formed of its value, the Sale should have been held by the Amildar himself, that as it was not done so, the land should be resold, taking Mr Playfair's as the first bid, & the result reported. on the 6th March 1900, the Amildar accordingly issued

but that there was no certainity that a better price could be secured.

Proc 20/2

a notice of re-sale fixing
18th April as the date of Sale
and caused it to be published
in the village, as was
done on the former occasion.
4 Whereupon, Mr. Playfair
seems to have complained
to the Dy Commr., who sent
for the records from the
Amildar and, after perusal,
called for his explanation
as to why the Sale was not
held by him when he
perfectly knew that
that the value of the
bungalow had been
estimated at Rs. 150/- & that
the Sheikdar was not a
competent officer to con-
duct the Sale The Amildar
explained that he thought
that the small amount
of Rs. 20-14-6. would be
realized by the Sale of Nos 134
and 142, as they were quite
close to cultivated lands &
inhabited parts, & that if
the Sheikdar had reported

forthwith that no bids were received for the said two S. nos, & that he had & Sell the other number containing the bungalow, either he or the Shenistadar would have gone to the Spot, which was 6 miles from Mudgere, & conducted the Sale the Same day or the following.

5. Thereupon, the Dy Commr Mr Carr passed the following order: — P.D. 26 dated 29th March 1900

" Under the circumstances, and Seeing that Govt have in no way lost by the Sale being held by the Sheikdar, a Sum greatly in excess of the Govt demands and estimated value having been realized, I See no reason why the Sale Should not be confirmed. All the rules with regard to the issue of notices of Sale &c & to the defaulter have been duly carried out. The explanation of

the Amildar for not holding the Sale himself is not wholly Satisfactory. He must have known that although the value of the other lands were below Rs 50/. the land on which the bungalow stood was over that Sum & Should have ordered the Sheikdar, if no bids were received for the lands first in the list, to have postponed the Sale of the bungalow land till it could have been Sold by competent authority. As, before Stated, however, all the rules regarding due notice to the defaulter have been duly observed. The Sale itself was regular the land & bungalow were Sold to the highest bidder for a fair price"

"Complaints are constantly being made that

Sales by Govt are in many instances upset and the consequence is that these Sales are badly attended with Consequent loss to Govt. For the above reasons, the Sale of the above land is confirmed."

6. In April, June and July, 1900 Mr. Reay appears to have written to the Dy Commr about his property, but copies of those Communications have not been sent up.

7. On the 11th July 1900, Mr. Carr however wrote* to Mr. Reay informing him of all the circumstances under which his land with the bungalow was sold for Rs. 250/- & that as numbers 142 & 134 were not sold, they still remained in his Khata.

* Encl no (1) to D/S Comm's letter.

Note S nos. 142 & 134 were first declared forfeited, and then put up for Sale

But there were no bidders.
Therefore, the lands should
have been bought in for
Govt for the upset price.
(vide last Sentence in para
of Rule 41 of the L.R. Rules).
How can a holding, which
has been declared forfeited
be held to be in the Khata
of the defaulter.? (vide
para 6 of Rule XXXVI). In
this case, no order appears
to have been passed restoring
the lands to the Khatedar,
before the Sale took place.

8 Now, Mr. Reay has com-
plained to the Resident,
that his property valued
at Rs. 4000/- has been sold
for arrears of tax amount-
ing to Rs. 40/-, that he
left the bungalow locked
up & came to Bangalore,
that he intimated his
Bangalore address to the
Post office & the Taluk
Treasury at Mudigere, &
that he had offered to sell

Vide Residency letter
No. 5460 & 23.10.00.

his property to the Mysore Govt & that it had been valued by the D.P.W Asstt. Engr

9. The Correspondence sent up by the Dy Commr shows that the bungalow in question was valued at Rs. 1000 by the Asstt. Engr Mudgere, & the Ex. Engr. Kadur Division.

Vide Enclosure (9) to D. Commr's Letter No.

10. The following points are submitted for consideration & orders —

(1) Mr. Reay says that the Mudgere Taluk Treasury was aware of his Bangalore address. If so, why the demand notice or Sale notice was not sent to him to the address given, has not been explained

(2) In para 2 of Rule XL of the Rev. Rules, it is laid down that in Special cases the Dy Commr may publish

advertisements of Sales in the news-papers. The Amildar did not seek the orders of his Superior officer, to resort to this course. He shoved all his responsibility on the Sheikdar & did not give him proper instructions. His explanation is that he was not sure that the Sales of S. nos. 142 & 134 would not fetch the amount of arrear.

(3) For a small sum of 21 odd rupees a bungalow worth Rs 1000. has been sold for Rs. 250/-. This is explained to be due to absence of better offers.

(4). The furniture & other things found in the bungalow have been seized & an inventory thereof has been made & kept Mr. Reay says that when he left for Bangalore, he had locked the bungalow. The ver papers show that the bungalow door was found open at the time of Sale.

16

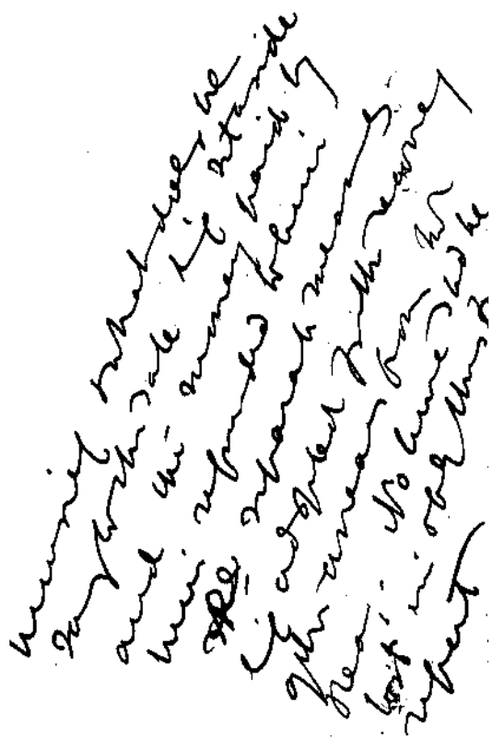
11. Mr Carr's reply (No: 69 Dated 11th July 00) in Mr Reay points out in conclusion that no agent of Mr Reay's has ever appeared or made himself known as such in the Klondyke Authorities; that Mr Reay's address whereabouts were unknown & that all attempts to communicate with him proved fruitless.

The question also arises why Mr Reay did not arrange for the payment of govt dues before it was too late.

May the Dr come be requested to report further on the points referred to above (1–4) & also send up the letters addressed by Mr Reay?

Submitted to 1st Com. Clerk for orders.

VC
14/11/00



12. Yes – & that too

RDT.Orr
14.XI.00

R 162

Copy of this draft

+ No. 4931 of R 1665 24.12.00

+ No 445 of 29.1.01

draft at once

24/1/01

Submitted with draft
88
24/1/1901

13. Further information having been called for from the Dy Commr as directed above, he reports as follows:—

(1). Mr Reay did not leave his Bangalore address at the Mudgere treasury A notice of sale was however sent to the Amildar of Bangalore for publication—

(2) It is not known why Amildar Keshavaiya, who has been transferred to Hoskote, did not obtain orders to get the Sale notice published in the Gazette (& other newspapers)

3) Mr Playfair, who purchased the land & the bungalow for himself, is willing to give them up on taking back the purchase money paid by him

4) The arrears of Kandayam were due on S. Nos. 134, 142 and 143, of which S. No. 143 alone fetched Rs. 250/-. The other two Nos are still in Mr Reay's Khata. There is no other property except the moveables found in his

⊗ Please see remarks in para 7 supra.

bungalow, be proceeded against for the arrears.

On forwarding an inventory of the articles found in the bungalow, the value of which is estimated at Rs. 56/-, the Dy Commr. states that the articles are in the custody of the village Patél. & that on receipt of further report from the Asstt. Commr. Mr. Ramaswamaiya information will be furnished as to who unlocked the door of the bungalow.

14. A copy of the Dy Commr's first report has already been forwarded to the Residency, with the intimation that on receipt of further information the matter will be duly disposed of. It has also been suggested that should the Honble the Resident concur in the suggestion, Mr. Reay may be informed that if he is dissatisfied with the orders passed by the Dy Commr, or the

@ No. 5142 & 9.1.01.
R. 1737 Slip A

which has been called for from that officer

Taluk authorities. it is open to him to prefer an appeal to Govt or to apply for a revision of the orders under the provisions of Chapters XIII of the Mysore Land Revenue Code 1888.

15. The points for orders are:

(1) whether under the circumstances, an appeal, or an application for revision, from Mr Reay should be awaited, or

unnecessary.

(2) whether the Sale of the land & the bungalow should be Cancelled, & the purchase money refunded to Mr Playfair, the arrears of Kandayem amounting to Rs. 21 odd being recovered by the Sale of the moveable valued at Rs. 56.

A Mr P before has agreed to take back the purchase money & cancel the sale let us proceed on the basis of this amicable arrangement & cancel the sale — let such proceedings be adopted with a view of the arrears

(3) whether the order of forfeiture in respect of S. nos. 134 & 142. should not be Cancelled. before they could be held to continue in Mr Reay's Khata. (vide para 7 supra)

Yes — under of forfeiture to be cancelled — by other order separate to the Superintendent in Cuddapah

16. No reply has been received from

Submitted to Secretary

18.2.07

16

the Receivers.

The best course would be to return the purchase money. A Copy of the order to be passed may be sent to the Receivers with an intimation that the matter is settled finally

H
13/2/01

Vide B 1477

13/2/01

A.G.7 Dec
13/2/01.

Under Secy
13.2.01

13/2/01

17.

Haizner Head Sheristedar's note in reply to the Secretary's query on the Dy Comm^rs further report No. 477 dated the 13th Feb: /01.

"The papers are put up. Orders have been passed to cancel the Sale. There is one point of doubt. Please see the portion marked in the Amin's report. The purchaser Mr Plangey appears to have removed the wood-work & roof of the Bungalow Sold & that the walls of the Bungalow have in parts tumbled down

Taluk authorities, it is open to him to prefer an appeal to Govt or to apply for a revision of the orders under the provisions of Chapters XIII of the Mysore Land Revenue Code 1888.

15. The points for orders are

(1) whether under the circumstances, an appeal, or an application for revision, from Mr Reay should be awaited, or

Unnecessary

(2) whether the sale of the land & the bungalow should be cancelled, & the purchase money refunded to Mr Playfair, the arrears of Kandayem amounting to Rs. 21 odd being recovered by the sale of the moveable valued at Rs. 56/-

As Mr Playfair has agreed to take back the purchase money & cancel the sale let us proceed on the basis of this amicable arrangement & cancel the sale — let fresh proceedings be adopted for the recovery of the arrears due

(3) Whether the order of forfeiture in respect of S. nos. 134 & 142 should not be cancelled before they could be held to continue in Mr Reay's Khata. (vide para 7 supra)

Yes — Mr Reay's order of forfeiture should be cancelled — by a fresh order & entry to be made by the Superintendent in continuation

Initd
18.2.07

16. No reply, can be received from Mr Nittoor Secretary

If we cancel the Lafayette
who should pay for this loss?
or how the previous
state of things should
be restored?

VH 23/2/01

18. Upon the order of issue
Please when submit
draft-newly-drawn
upon the suggested
engraving of the
not come down
or that would the order
involve both of
line - deep-punched
graph already
prepared

VH 24/2/07
1/3/01 55 55 VH 1/3/01
Draft submitted 88 26/2/01

19. Submitted to Secretary
No 2 draft - being
important one,
they are submitted
approved VH 26/2/01

Urgent

20. After further consideration
I prefer that the 47th
should see this before
the issue of the draft
which I have hoped, as
it is possible that he
might feel disposed to
add orders or remarks
on the further development
now reported.

Noted 47th
27/2/01.

27/2/01

91. The Amiral evidently
is so careless and
unthinking about
orders that the
loss resulting from
this must be
considered
made good when
[illegible]
- when he
Admiral had
consented where
the ship outside
Lagoon included
boundaries. Further
report must be
called for - the
meanwhile [illegible]
the next letter
to the [illegible]

P. 10

22 Note Continued

In reply to this office Docket No. 6703/a2356 dt 1.3.01 calling for further report on the points noted by the Pr. Councillor, the Dy Commr. Submits × the Memo ⊗ of Asstt. Commr. Mr. Ramaswamaiya, who reports as follows:-

"Undersigned went out and inspected the Spot yesterday (4.3.01) & also got the required information from Mr. Playfair. His letter on the Subject dt 4th is enclosed. It will be seen that Mr. Playfair did not interfere with the building in any away after he had given his consent to the Sale being Set aside. The purchase of the property by him having been confirmed in March 1900, he removed the materials of the building before monsoon, ie about the middle of June 1900, in order, as he says, to save as much of the property as possible from being destroyed. Mr Playfair further says he cannot replace anything, but is willing to allow a fair reduction from the purchase

Slip B

× No. 519 dt 5/3/01 Slip C

⊗ Dated 5/3/01

money) for the materials
removed by him. The
building is now almost
in ruins, a few walls stand-
-ing here & there. It is im-
-possible to restore things
to Status quo, as the greatest
portion of the superstructure
has all tumbled down. The
roof too was removed & the
building seems to have
come down during the
monsoon. It is difficult
to hold that any body
is responsible for this.
Mr. Playfair was asked
what value could be placed
on the materials removed
by him has failed to reply
on the point. If so desired
a list of such things
will be made out and
their value estimated".

23. It is now clear that
Mr. Playfair removed the
materials of the building
in June/00, & consented
to the cancellation of the
sale only on the 9th Jany/01.
The Dy Commr should have
fully reported the real

Shave of Hungo in his letter
No. 445 of 29.1.01 to avoid
all this further Correspondence, & delay in the
final disposal of the matter.
The point for orders now
is whether under these
circumstances, it is still
considered necessary that
the Sale should be cancelled,
the purchase money minus
the value of the materials
removed by Mr. Playfair
refunded to him, ~~and that~~
fresh proceedings should
be taken for the recovery
of the arrears due by Mr.
Reay. If the Sale is can-
celled, Mr. Reay is likely
to claim damages for
the destruction of his bunga-
low which is valued
by him at Rs. 4000/-, apart
from the fact that Mr.
Playfair will pay the
value of the building
materials viz. of Rs. 250/-
the purchase money paid by
him -

24. The Amildar concerned

in this case, is B. C. Kesavaiya now in the Hakoté Taluk. His Service Register has been called for from the Dy ~~Comm~~ Commr. Extracts from the Confidential reports about this Asstt. are submitted -

Submitted for Secretary

K
7/3/01

Subject to rectn.

Q
8/3/01

8/3/01

R.D.7 Pm
8/3/01.

Note continued

5 The Service Register of the Asstt. together with a draft was submitted to the Dewan on 12.4.01 and seen by him on 2.6.01. The draft was approved & issued (vide: 97958 R.D. 33-00 7.6.01). Under these Proc:, the sale was not cancelled but so far as nos: 134 & 142 were concerned, the order of forfeiture was cancelled & the lands restored to the owner.

Slip D

R497 8.5.8.02
Slip E

26 M/s Reay now submits an Petition to Govt: as follows: —

He purchased from Govt: in 1894 dry 8. nos: 142, 134 & 148 for Coffee Cultivation.

se purchased in the name of his minor
daughter Mary Middleton Reay another
piece of wet land S. no: 138 (which cost
him over 300). The said dry lands were
however found to be unsuited to raising
Coffee + so he applied for the levy of dry
instead of Coffee Karab rates. In Consequence
of the absence of Mr. H. H. Sparkes on leave in
England + of himself in Bangalore Cantt
Station by reason of ill-health, his claim
remained undisposed off. On his departure
to Bangalore, however, he had paid one
years' Kandayam to the Sesistedar who Sub-
sequently forwarded the receipt thereof
to him to Bangalore. He had also requested
the Sesistedar to hold in abeyance the
levy of another years' Kandayam due by
him till the arrival of Mr. H. H Sparkes
who had known personally all the Cir-
cumstances of the case + the value of the
property. But he was surprised to hear
only 6 months after that his valuable
permanent structure costing him over Rs 3000
+ the valuable wet land S. no: 138 of his
minor daughter had been sold away for a
mere nothing, At Rs 250/- simply to realize the small
arrears of Rs 45/-, whilst his movable
property which the Sesistedar himself had
estimated over the amount due to Govt +
which consisted of furniture to the value of
over 300 Rs was left with the Patel. The
Purchaser of the building on S. no: 143 +
the wet S. no: 138 soon finding that the Petr.
would put forth his complaint, pulled
down the houses to pieces, sold all

the tiles, timber, door frames window frames for about Rs 100 and left only the bare walls. Before he could prosecute his claim & establish his case, he had to join an appointment in the Central Provinces as Famine Assistant and later on another appointment in S. Coorg. From either of these two places he had addressed the British Resident in the matter. Besides, his father also (a retired General now in London) wrote to the British Resident about the injustice done to his son. The Hon'ble the British Resident has replied that he could take no action until the Durbar refused to Compensate him. His present Complaint is that the Sale Proceedings were irregular on the following grounds

(1) That the Revenue authorities did not personally visit, & did not know anything of the property before

ordering its sale.

(2) That the moveables were not proceeded against which was Stated by the Amildar himself over the amount due on the lands.

(3). That no notice of Sale was sent to Bangalore even though his address was known to the Taluk Office. Granting they did not know it, they ought to have advertized for it in the papers. The sale of the property ought to have been published in the Govt: Gazette under the Circumstances of the Case. viz: Land-Lord absent. Whereabts not known. A British born subject probably having heirs. An European with his Capital invested in the Mysore State.

(4) The Sale of immoveable property costing over 3600/: for a small amount of 345 due to Govt: in his absence without his knowledge under the Circumstances already narrated is gross injustice.

(5) The sale of the wet Land S. No. 138 belonging to his minor daughter for whom he was also paying the Kandayam ought to have been brought to his notice before Sale for the Rev: arears due thereon.

he adds: —

"Is this the encouragement given to Europeans of good family to invest their Capital in the Mysore State for their mutual benefit - to be treated like this & put to great loss because they happened to be away from their property and because there happened to be a small arrears of Cowdue on the land. under Rs 50-."

He prays that his loss may be compensated in all. Rs 3600 for the immoveable property (Coffee land & wet land) & Rs 300 for the moveable pro. = perty. "But" he adds = I am prepared to accept a compensation by receiving only the value of the building which was estimated at least 3000/- & Cost me more. But I only agree to this if an order for Compensation is granted me at once." He Sub. = mits further that an early redress may be given him otherwise "I regret I will have no other alternative

but to forward a copy of this
complaint to the Govt. of India
& place the matter before His Ex.
Excellency the Viceroy of India before
he leaves this province or S. India.

Submitted.

The matter of the S. No: 138(wet)
is new. It seems to have also been
sold for arrears of revenue due
thereon in his absence.

The movables for which
a compensation of Rs 300 is claimed
are lost in the custody of the Patel.

The Permanent Structure
had been in 1898 estimated at about Rs 1000/- by
the Executive Engineer when it was offered to Govt.
for a Travellers Bungalow or a Forest
Lodge.

Submitted to the secretary.
K.S.
7/5/0-

11
9.8.02

2. The extraordinary claim
urged under a threat of appeal
to the Government of India re-

quires a close examination and account of the principle involved therein.

The property of the petitioner was sold on the 25th of Jan'y 1900, and was confirmed by the Dy Commr of Kadur (Mr. Barr) on the 29th of March 1900. Within the 30 days allowed by S. 184 of the Code, the petitioner did not apply to get it set aside on the ground of any material irregularity or mistake or fraud. The only irregularity (material or otherwise) that existed seems to have been the ~~facts~~ conducting of the sale by the Sekdar of property worth more than 50 Rs. The Asst Commr and the Amildar were for setting it aside on this ground, the objection on her half being raised by the A-

Milden himself without the
intervention of the defaulter.
But the Dy Commrs set aside
their order and confirmed the
sale, on the ground that it had
been regularly conducted, and
that it had not been shown
that the defaulter had been
prejudiced by the procedure adopted.
The order was quite legal
and justified by S. 184, which
says that 'no sale shall be
set aside on the ground of
any (such) irregularity or mis-
take, unless the applicant proves
to the satisfaction of the Dy Commrs
that he has sustained substantial
injury by reason thereof.'

On this, there was an appeal
open to Government, but the
Petitioner did not choose to
avail himself of it, and
presented petitions to the Dy.
Commrs on 26 April, 24 June

1900.

and 2nd July. A reply was
given to him on the 11th of
July that the sale had been
regularly held and confirmed,
and that his other property
was in the custody of the
Police & there was no one
Claim, or
to take Care of it.

After this, Mr. Keay did
not apply to Government, but
in October 1900 appealed to
the British Resident to inter-
vene on his behalf. This
Complaint being referred to
the Diwan, a report was
called for from the Dy Comm^r,
and Govt order d. 7 June 1901
was passed, in which, after
disapproving of the manner
in which the Dy Comm^r & the
Amildar had exercised their

discretion in the case, for he directed that two lands which had been declared forfeited should be restored to the Petitioner, and found themselves unable to do anything about the sale of the land containing the bungalow.

It may be ~~assumed~~ granted that some loss has been incurred by the Petitioner, though he has greatly exaggerated its extent. The house was valued at 1000 or less in 1898; and it must have been worth much less at the date of sale, as an unfinished building in the Midland deteriorates very fast. A forced sale for arrears of revenue can never bring the same price as one by private negotiation; and the price realised at the sale cannot be considered to be more inadequate than that any other property in such

Sales would usually fetch. If this petitioner is treated in the same manner as any of the thousands of defaulters whose property has been sold for arrears of revenue, his claim for compensation would at once be rejected as pre posterous. Even supposing that the acts of the subordinate officers are illegal, it is a recognised principle that the State cannot be held responsible for the tortious acts of its agents. But even these latter are not shown to have acted tortiously and are not personally liable to be sued for damages in such cases, under the provisions of S. 223 of the Revenue Code. If any such saving were necessary, S. 225 would protect the Government in this case.

as the petitioner ~~has~~ failed to appeal to Government in time from the order of the ~~the~~ by Summons.

The claim being wholly untenable on legal grounds, are there any extra-legal or equitable grounds on which it should be admitted?

If the petitioner were an ordinary subject, a native of the State, ~~he~~ it should never have struck him to advance such a claim; and if he did, his petition would have been summarily rejected. The difference (if any) should be due to the claimant being a European British subject. Does this circumstance really make any difference in this case?

We may apply ~~as a~~ the test. Suppose the case had occurred in Bombay, or Madras or Bombay in British India. ~~Was~~ Would the British Government have allowed the Claim for Compensation? Would they not have referred the Claimant to the ordinary revenue and civil tribunals for redress? If any instance of the grant of such extraordinary relief as is asked for in this case can be adduced, we may undertake to Compensate this petitioner. ~~But~~ Otherwise, how could he be entitled to ask for more at the hands of this Government

We have almost the same law of revenue re-

~~to~~ Covery and procedure as obtains in many Parts of British India. Any alterations that are introduced, are first subjected to the approval of the Government of India. The petitioner

[redacted]

~~knew~~ knew precisely that ~~they~~ he had ~~have~~ to subject themselves to the local laws in such matters. What right has he now to ask for exceptional treatment on the score of his being one of "Euro-

(Some words which are needlessly pointed & irrelevant to the case are secluded accdgly
14/10

means of fo-d family, to invest their Capital in this Singpore State, for their mutual benefit"?

The Case seems to be an unfortunate one in its results, and it is a great pity that the applicant lost property of this value for a small sum due as arrears. That was however as observed in the Govt order already passed, mainly due to his own neglect; and Government or the local Officers are no more responsible for it, than if an accidental fire had destroyed his house, or robbers had looted his property. It must be noted that both the Amildar and the Asstt Commr were for setting aside this

believed
It can hardly be ~~disputed~~ that
Sales. ~~That~~ a Deputy Commis-
sioner like Mr. Carr, and
one of the neighbouring
European Planters like Mr.
Playfair, are likely ~~cannot be believed~~
& have treated the applicant
unfairly, or taken advan-
tage of his absence or
necessitous circumstances.

I would propose that
rejecting
a reply be sent ~~declining~~
~~to admit~~ the petitioner's claim
totally.

22-8-1902
H.H. Risley

Rel. Dy. Comm.
Chitor.

R. 23/8/02
380
28

Before I proceed to
record my opinion in
the case I have a grievance
of my own against the
Secretariat & that is that
altho I have been Commissioner

in charge of the Revenue portfolio from 18th March 1901 the files were never brought to my notice but have been, like many others of this nature, dealt with by the Dewan himself.

2 This case supplies an additional illustration of the evils resulting from the present Revenue Rule 35. I have times without number pointed out how in the first place the Rule violates the provisions of the Code itself & how in the next place it has been productive of irreparable injury & defrauding ryots

3 In the present case if the local authorities had freedom to proceed against the moveable property in the first instance & if the Rules did not make it peremptory that the lands on which arrears are due should be first proceeded against the Sheristadar would have attached the moveable property of the defaulter, & they is known to have been more than

sufficient to meet the demand. I know that not only the present applicant but hundreds of other land holders have been sufferers by the Rule which I have repeatedly pointed out is peculiar to Mysore.

4 The Secretary has shown that the Mysore Govt is not liable to pay damages & that there is no remedy open to the applicant. Applicants is not a solitary instance but there have been others who have sustained similar losses. and to whom Govt have not attempted to make any reparation.

5 We hear for the first time of the sale for arrears of wet land Survey no 138. Enquiries may be made about this

30th August 1902 M Jagadharambal

To the Dewan - Hon

2/9/1902

29 The enquiry suggested may be made. A draft reply to the applicant is submitted through the 1st Commissioner. The Secretariat ought to have placed the order of 9 June before the Commissioner. The ground of it was dealt with by me as one of the cases in which had been decided before I joined as the Commissioner & in which I had made some enquiries 6.IX.02 [illegible]

N.D. Appa
5.9.02
[illegible]

[illegible] 8/9/02

Dewan's ~~Reader~~ order 8/6.9.02

29 "The enquiry suggested may be made. A draft reply to the applicant may be submitted through the 1st Councillor. The Secretariat ought to have placed the order of June before the Councillor, though this record was dealt with by me as one of the cases which had been dealt with by me before as Rev: Councillor and in which I had made some enquiries.

30. A reply has been sent to Mr. Reay and the fact communicated to the Residency. I find however that the Dewan had asked to see the draft reply before issue. This was not submitted to me - this was not submitted to me - sight for which I am sorry.

14/10/1902

The 1st Councillor.

Rd 15/10/02 54 2

31. Please put up this file with the recently circulated papers relating to the question as to whether for the recovery of arrears due on land the standing crop or its produce may be proceeded against in the first instance

14/10

15/10

1/2

Note Continued

34. In his letter No 5606 of 8th October 1902, the 1st Asst Resident asks for a clear and full statement of all the circumstances under which Mr Reay's land & bungalow were sold. A draft reply is submitted for approval

24/10

To the Dewan through the 1st Councillor

Dewan 24/10/02

R? 24/10/02
574
35.

Further Note by the Vth Councillor.—

The points which have been raised in the Hon'ble the Resident's letter are:—

(1). Mr. Reay has represented to the Resident that, during his absence from his es-tate and without any notice being given to him, the Durbar, in order to recover arrears of land revenue amounting to only Rs. 40/-, sold for Rs. 200/- his house and lands in the Kadur District valued by Mr. Reay at Rs. 5,000/-.

(2). He(Mr. Reay) alleges that the sale of some moveable property in the house or of the wet land alone would have sufficed to cover the arrears in full.

(3). He further states that the house

was valued at Rs. 4,000/- and offered to the Durbar for that amount to be utilized as a rest house, and that it was inspected and valued by the Assistant Engineer, Kadur District, under the orders of the Durbar. The building is re-ported to have been dismantled by the purchaser and the materials sold.

We have to reply to these points categorically and a reply worded in general terms like the one under consideration will not be deemed satisfac-tory. I would take each point and give the re-ply against it as folllws:-

(1) The Kandayam due for the year 1898-99 on the lands of Mr. Reay in the Jogannanakere village, Mudgere Taluk, having fallen into ar-rears, a notice of demand for Rs.19-14-6 was issued by the Amildar on the 22nd September 1899. As Mr. Reay was absent from the village and his address and whereabouts were not known to the local authorities, and as all attempts to commu-nicate with Mr. Reay proved fruitless, the no-tice was affixed to the land on the 29th Sep-tember 1899 as per rules. On the 5th October 1899 the lands noted in the margin on which

	Extent. A. G. R.	Assessment. A. P.
134 (Coffee)	3. 30. 6	0---0
2. do.	2. 35. 4	8---0
3. do.	5. 14. 8	0---0

taining a bungalow and mango trees.

arrears were due were attached and on the 20th idem the Amildar issued the declaration of forfeiture under Section 54 of the Land Revenue Code, and a sale notice was issued and duly published. The sale was conducted on the 25th January 1900. There were no offers for lands Survey Nos.134 and 142. Consequently land Survey No.143 with the bungalow on it was put up for sale and was purchased by one Mr. Playfair for Rs.250/-. The Assistant Commissioner in charge of the Taluk, having, on the recommendation of the Amildar, ordered a resale of the property, Mr. Playfair complained to the Deputy Commissioner, who after satisfying himself that the procedure laid down in regard to the issue of notices had been adhered to, confirmed the sale on the 29th March 1900.

(2) It is true that the money realised by the sale of only the moveable property in the house, which is estimated at Rs.56/-, would have sufficed to cover the arrears in full. But the Mysore Rules make it imperative that the land on which arrears are due should be sold in the first instance.

Regarding wet land Survey No.

No.138, the sale of which was only recently brought to the notice of Government, enquiries are being made by the Durbar, and a report is awaited from the Deputy Commissioner, Kadur District.

(3) The bungalow in question was valued at Rs.1,000/- in 1898 by the Assistant Engineer, Mudgere, and the Executive Engineer, Kadur Division. Mr. Playfair, the purchaser of the bungalow, removed the materials of the building about June 1900, and the building itself seems to have come down during the monsoon of the year.

There is no doubt that loss has been sustained by Mr. Reay although his estimate of it is pitched too high. A forced sale for arrears of revenue will never bring the price secured by private negotiations. The loss complained of by Mr. Reay was due to his own neglect to make proper arrangements for the payment of the Kandayam, and the consequent operation of the local revenue law. He also failed to represent his grievances in time, i.e., within the time allowed for appeals, to enable the Durbar to give him relief.

27th October 1902.

P.T.O.

Please see also marginal remarks
in the draft put up.

To the Dewan

27/10

b&61
12.1-27.4.02

30. Please send up a draft as suggested by the 2nd Counsellor for final approval

28.X.02

Earl
29/10

Rec'd 9.45 A.m.
31.10.02
draft subd
1.10.02
Hill.

Mb noted with a revised draft accordingly

31/10/02

May the Copy of the ~~office~~ note (without the minutes) also be sent up as suggested by the 1st Counsellor?

31/10

The Dewan.

b961
RD 31.4.02

37. N/Secy for guidance as discussed

31.X.02

Issue

Note Contd

issued as no 9973 dt 4.11.02

Note continued (4)

38. In reply to this office no: R1973 & 4.11.02, explain-ing the circumstances under which m/s. Reay's lands & bungalow were sold for Rev: arrears, the first Asstt: Resident States: —.

6456 & 15.11.02.

"In the opinion of the Resident, the case being admittedly one involving some hardships to m/s. Reay, it would be satisfactory if the Durbar would now admit an appeal & allow the case to be argued & decided."

In regard to the enquiry about the Rev: Sale of S: no: 138, Mulky: Bom: States: —

2291 & 21.10.02.

The wet land S.no: 138, measuring A 5-9 B & assessed at Rs 20/- Stood in the Khata of Mary Middleton Reay. Rs: 21/8, being due for 1898-9, a Sale notice was issued on 22.9.99 & served on the land on 8.10.99 as her whereabouts were unknown. Order of Forfeiture issued on 20.10.99 & a sale of the land was advertised to be held on 30.11.99. That day being a car festival day, the party applied for an adjournment to the next day. On the adjourned date, viz: 1st Dec: 1899, the Sekdar conducted the Sale & the land was knocked down to Joseph Fernandez. Upon this, Asstt: B/o. Kesava

ordered a resale to be held in the hope of realizing a higher amount. The sale-notice was again duly issued (16.12.99) + again served on the land for the same reason. On the next date fixed for sale, viz. 25th Jan: 1900 ~~1899~~, there was large gathering on the spot including messers Joseph Fernandez, J M Lobo + E.M Playfair + the competition was keen. The land was finally knocked down for Rs 25/: to M/s E.M Playfair, who paid the 25% at the spot + the balance on 9.2.00, that is 15 days in time. The Sale having been regularly conducted, the Asstt: Submitted the case for the orders of the Asstt: Govt:, M/s G. Venkataratnam, who duly confirmed it on 21/2/00.

Sl. 16, reverse

Submitted
K.S
22/11/02

The Secretary
for orders
M 24/11/02

The endorsement is due to M/s Reay in regard to S.No: 138.

In the last communication, The Durbar intimated to the Resident that M/s Reay failed to make an appeal to Govt: in time; and now the

(4)

Resident desires the Durbar to admit an Appeal & allow the case to be argued & decided.

Submitted. After Xmas

H
25/11/02

I do not well see how in the absence of an appeal by the party, we can admit it & ask him to argue. Perhaps an the land no. 138 as a final decision has not been given, & he may be called & appear & be heard. May a notice be issued, posting the case for hearing?

H
2/12

The Durbar through the 1st Councillor

R: 5/12/02
Camp Kudjoora.

Note continued.

On the receipt of a notice from the Dy: Comm: for receiving Rs 216-14-3 the excess sale proceeds of L. no: 143, M: Reary Submitted a petition to the Resident stating that the Mupone Govt: has done him great injustice & that the Resident must call upon the Durbar for Redress or for a bonus to be given him for his loss. This petition has now been forwarded to the Durbar

Let the Durbar note attached
3/12/02

by the Resident in continuation with no: 64569

15.11.02.

2/12/02

2/12

31/12

Rosseau
1.1.03
7921

Further Note by the 1st Member

Two questions in connection with this case require solution, namely,

(1) Whether, as suggested by the Hon'ble the Resident, any appeal may be admitted from Mr. Reay and an opportunity given him to have the case argued on its merits;

(2) Whether Mr. Reay has any claims against Government for being reimbursed for the loss which he is said to have sustained by the action of the Government.

2. The course suggested by the Hon'ble the Resident would have been the easier one to adopt and would also be in accordance with the law. But under the peculiar circumstances of the case this course will not enable us to restore matters to the status quo ante or to make any reparation to Mr. Reay. The building, the property of Mr. Reay which has been sold, has since been dismantled and is past all repair and cannot be restored to its original condition even if the Government decide to cancel the sale.

3. Coming to the second question there is no doubt that some loss has been sustained by Mr. Reay. Though he is himself primarily responsible for the situation by his not arranging for the prompt payment of the taxes due by him, yet as pointed out by me in my note dated 30th August 1902, the loss would neither have been so serious nor irremediable if the moveable properties had been destrained and sold in the first instance as is the practice in British India.

be considered on equitable grounds without being rejected summarily as being unenforce--able in law. I am aware of the inconvenient and embarassing consequences which will re--sult in allowing equitable considerations to influence decisions in cases of this kind But the circumstances of the present case are peculiar and I am constrained to recom--mend that it should be treated exceptional--ly.

6. Further the only remedy pro--vided in Mysore for such hard cases is to proceed for damages against the Local Office--ers for any perverse exercise of discretion vested in them. The Government however hav--ing stepped in and, as observed above, taken away by Rule 35 the discretion of the Local Officers in the matter, it follows that the Government alone is responsible for any damages that may have accrued to pri--vate parties therefrom.

7. I would suggest the second question being referred to the Government Advocate for opinion as to whether Mr. Reay has any claims against Government for com--pensation either on legal or equitable grounds.

In any case now that a glar--ing case of hardship has been brought to light, I would, with every deference, request the Government to be so good as to take the amendment of Rule 35 into its consideration.

30th Sept 1902
Delhi.

/ Malhara Rao

Note by the Dewan Sir P.N. Krishna Rau

Rule 35 has no bearing on this case which happened before that rule had been enacted. However that as it may - it seems to me that rather than refer the question both for Advocate the two counsels may each together give a chance to the Ruling of having heard both them and record an opinion for submission to this Hy Mesp as to whether any Equitable Compensation payable to the Ruling or not. When this question is agreed upon the Board may reconsider the rule 35 may also be laid before this Hy Mesp I do not think that the Govt Adv is best fitted to give an opinion in this complicated matter

2 II 02

Submitted to the 1st Cr Clk 3/2/03 Post for next hearing 5/2/1903

Rd. 3/2/03. night. 808

Rd. 11/2/03 night. 845

3/2/03

5/2

Heard the Ruling.

Rule reserved

5/2/03

Please see my opinion on the case submitted to the Board

11/2.

5/2/03

7-2-03

55

Note. by the 2nd Councillor Mr C Sreenivasengar. —

Mr. Reay's petition of 5th. August 1902 relates to two items of property, viz., (1) Land Survey No: 143 with a bungalow on it, and (2) Wet land Survey No: 138.

2. The former stood in Mr. Reay's name along with two other lands Nos: 142 and 134, and the latter in that of his minor daughter Mary Middleton Reay On account of arrears of revenue due, separate proceedings were taken in respect of each of these items. Mr. Reay's petition in so far as the first claim is concerned was rejected by Government in their Endorsement No. R.1174/R.F.33-1900 dated the 17th. Sept. 1902, and a further report was called for from the Deputy Commissioner as regards item No: 2. That report has since been received. It shows that after due observance of the prescribed formalities the said second item was finally sold on 25th. Jan.1900 and that the sale was duly confirmed on the 21st. Feby. following. There were no irregularities of any kind in connection with that sale; and there are therefore no grounds for interference. An order to this effect would dispose of

9

56

of the rest of the petition.

3. The case, however, has been referred to the Committee of Council under circumstances somewhat peculiar; and it is believed that it is intended that the order of rejection passed on 17th. Sept. 1902 should be brought under re-consideration. Mr. Reay has been heard in person and the papers have been carefully perused. In the result, my humble opinion is that Mr. Reay's claim for compensa--tion from the Government is a most extraordinary one and is manifestly unsustainable. The hard--ship he complains of is one of his own making and does not seem to admit of any relief from Govern--ment. He allowed the assessment of his lands to fall into arrears He has not substantiated his allegation that he left his Bangalore address with the Taluk Sheristadar The Taluk authorities observed the formalities required by law and proceeded to sell his lands Two of those lands having attracted no bidders, the third

57

be proceeded against in the first instance. Mr. Reay must be supposed to have known the law, and his contention that the moveables in the bungalow ought to have been first distrained and sold is untenable.

4. Apart from the question of the loss said to have been sustained by Mr. Reay, it is clear that the Deputy Commissioner (Mr. Carr) did not, in the light of his knowledge of local circumstances and conditions, act wrongly in confirming the sale. I am also not satisfied that the price realised was very much below what the property was worth. The land apparently had no value of its own independently of the building on it Mr. Reay had himself been at one time anxious to dispose of the building, and on his approachin the Government with a request that it be purchased for a public purpose, the D.P.W had estima the bungalow in 1898 at Rs. 1500 but as it could not be turned to any useful account, Government declined to buy it. An estimate of a building is quite different from its saleable value; and it cannot be considered that the price fetched at the auction sale

viz., Rs. 250/- was disproportionately below the market value, seeing that that value depended more upon the materials to be pulled down and removed by the purchaser than upon the structure as it stood, and its situation, and seeing also that in 1898 it was reported that the building was too much out of the way, that it was in bad order, that it was shaky in parts, that a small portion in the rear had tumbled down and that several of the roof timbers would have to be renewed. In other words, the building was not only ~~inconvenient~~ unfavourably situated but was also fast deteriorating.

5. It may be noted that the two numbers for which there were no bids at the sale have already been ordered to be released from forfeiture and restored to Mr. Reay It may further be noted that Mr. Reay not only did not make arrangements to have himself kept informed in proper time of the action which might be taken by the local authorities in his absence for the realization of the arrears outstanding but also slept over his case until ~~it became impossible for him to apply for~~ the redress ~~with~~ of

54

5.

her grievance, if any, became ~~with any chances of success~~ an impossibility.

6. Under these circumstances, while admitting that this is a somewhat hard case and that our officers, especially the Deputy Commissioner, might have been a little more considerate, I respect-fully submit that Mr. Reay's claim is inadmissible, and is, moreover, calculated, if allowed, to form an inconvenient precedent. The petition may accordingly be rejected.

7. On the subject of Revenue Rule No. 35, a separate Note will follow.

C. Allanson Jeens

11th February/03

I have already recorded my opinion on this question in my note dated 30th December 1902. I have had to deal with it on previ--ous occasions in my capacity of Revenue Councillor. I would also respectfully invite attention to paras 5 and 6 of my note dated 30th December 1902 and para 3 of note dated 30th August 1902 and also remarks against point No.2 in my note dated 27th October 1902 .

To put the matter in a few words my humble recommendation is that Govt. should pay a compensatio of not less than Rs.1000/to Mr.Reay for the loss of his bungalow and proceed to amend Rule 35 at the ear--liest possible opportunity.

I never said that the proceedings against Mr.Reay were taken under Rule 35 as remarked by the Dewan . They were taken under the previous Rules of 1890 which are reproduced in the amended Rule 35.

I may repeat here that the amendment of the old Rules was en--trusted to me and I and Col.Grant sat over them and had altogether 24 meetings and the result was the simplified revised Rules issued by

Government after discussion in Council in 1901.

The old Rule regarding the sale of defaulter's land in the first instance had been amended by me with the concurrence of Colonel Grant, but the Council overruled me and passed the present Rule 35. When the Proceedings went up to the Hon'ble the Resident, Mr. Craw-ford, I remember, wrote two D.O. letters to the Dewan pointing out that my view was correct and the amendment like the others that I had propose should be accepted. I am aware that I am in a hopeless minority in this matter, but in view of the interests involved and the fact that a bad Rule will be a perpetual source of inconvenience, annoyance and loss to the agricul-tural population who form the bulk of His Highness's subjects, I have thought it my duty to again place on record my views on Rule 35. My opinion is based upon the experi-ence gained in different capaci-ties and on inquiries made in the Districts and what I have noticed as Revenue Member of Council f the past 5 years in connection with cases that came up to the Govern-ment in appeal and revision.

12th Feb 1903

P Ramachandra Rao

Submitted to His Highness

This case has been considered by me several times and the claim now put forward for compensation appears to me to be quite unique unprecedented and baseless.

As suggested by the Honble the Resident the case or rather Mr Reay was heard by both the Councillors and their opinions are on record. If as in the result this case ought to be treated as one of the committee cases the differences between the Councillors have necessitated a reference to me, and I have no hesitation whatever to accept the opinion of the IInd Councillor and reject the claim set up by the Petr for compensation. If on the other hand the matter is to be viewed as a Council matter to be submitted for the orders of His Highness the Maharaja I have in this case also no hesitation in recommending to His Highness the rejection of the claim -

Four lands belonging to the Petr were sold for the arrears of assessment and the facts are

142 Vol. 134
143
138

clearly set out in the facts hereunto Slip H
submitted - Mr Carr who as Deputy
Court of Kadur decided this case
was cognisant of all the facts, and of the
objections which could possibly have
been raised to the validity of the
Sale and after fully considering them
thought it right to confirm the Sale
this order was not contested in appeal
in proper form and time, but when
the matter came up here Govt it was
too late and it was found impossible
to restore the old order of things. Mr
Playfair another European Planter
was the purchaser and he consented
to have the Sale cancelled - Govt were
willing to take advantage of the only
chance which offered itself for a Sales
factory settlement on an amicable
basis - but the Bungalow which
had been built
removed by the Purchaser. In doing
so it is quite evident that Mr Play-
-fair acted in his own interest as
if he had allowed the Bungalow
to stand on during the monsoon
the whole would have tumbled
down and the roofing materials
also would have been lost.

with regard to the valuation of the house it is said that it was valued at 1000 in 1898 and even then, as pointed out by the II d Commissioner some of the walls were giving way after it had been replaced by another two years it was sold for 250 and Mr Carr in his comprising order says that the sale fetched a fair price - This is the main objection taken to the sale and the principal ground of hardship, but I viewed calmly it seems to my mind to have been greatly exaggerated - At all events this aspect was not absent from the mind of the comprising officer which may be said is an old European officer of great experience and sound judgment - He did not proceed rashly to confirm the sale but he had all the objections urged upon him strongly by both the Builder and the Asst Collector who refused to confirm it - There is no perversity apparent from in the whole proceeding which was as calm and deliberate as the circumstances required -

The next objection is that it was sold by a Stakeholder - This is entirely

irregular, but an irregularity of this kind does not amount to illegality; and especially where there is no consequential injury which should be mentioned it does not vitiate the sale - Mr Mayfair's conduct has been straightforward throughout and he offered to have the sale set aside after allowing a reduction of the price for the articles he had removed - There was a large gathering & Mr Carr found that the price realised was fair - Under these circs the sale was not liable to be set aside

The objections on the score of the want of notice and the smallness of the ~~[illegible]~~ demand are not valid -

This divested of all the real objections Mr Reay will be found to have no case whatever and there need be no hesitation in rejecting his claim for compensation. Has he ~~[illegible]~~ lost his lodging and neglected himself to hardship but did he not bring all that upon himself? He might have arranged for the payment of the assessment. The local officials

3)

had a right- to put him back
an example to other Ryots - and
accordingly go away in the un
- satisfactory manner he did -

There were as I said four lands
or Survey numbers - which were
concerned. 142 & 134 could not
be sold and they have been mortgaged
to the Petr - Men are the best valuable
130 is said to be a wet land dwa,
also purchased by the Play fair
Objection was taken at a very
late stage - and it
was impossible to interfere with
143 is the most important on account
of the bungalow which stood on it
without the bungalow this land had
very probably no saleable value
and the house fetched a quarter
of what it had been estimated
for by a P.W. D. officer two years before
the sale - The climate of the locality
was very hurtful to such property
and the process of decay & deterioration
was going on for two years and
under two monsoons - There was
nothing else of value in the property
and the sale was in accordance
with rules - These rules had been

in force for several years and were allowed to remain so after a good deal of discussion and deliberation - The rules were not also far different to what they were before the Resolution of the State to Nature Rule - I do not of course refer to the present Rules which came into force long after the sale - and which it is open to this Hyg[ienic] Dept to consider whenever he feels inclined to do so. The rules were not the result of creation of whimsical legislation - they were properly and regularly enforced, and if in the consequential proceedings some hardship which to a large extent was brought about by the defaulter himself ensues he has none else than himself to thank for it.

This is not the place to compare the relative benefits of the present procedure and what has been proposed by the Ld Councillor Nor is it right to mix the issues and blind oneself by over zeal for any particular view for the

4)

Cherished - His Hypnings has been pleased already without the remedial provisions of the existing law when undeserved hardship results from a sale - and as I said above it is yet open to His Hyness to consider the whole law - but it is difficult to make impossible agree with it up one's mind or to reconcile the State will be freed for what may be considered as by a few as a harsh law and about which there are honest differences of opinion -

Mukerji

26. II. 03

P.D.

271. No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling house after sunset and before sunrise, or shall break open any outer door of a dwelling house. But, when any such person has duly gained access to any dwelling house,

The applicability of S. 271 of the Civil Procedure Code which is as in the margin ha, also to be considered in the reference with a statement that the furniture inside the Bungalow which Mr Reay hurriedly admits had been locked up, could have been attached and proceeded against — There was no other moveable property. Mukerji

P.D.

he may unfasten and open the door of any room in which he has reason to believe any such property to be:

Provided that, if the room be in the actual occupancy of a woman, who, according to the customs of the country does not appear in public, the person executing the process shall give notice to her that she is at liberty to withdraw, and after allowing a reasonable time for such woman to withdraw and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions to prevent its clandestine removal —

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

384

Sale of Mr Reay's land and Bungalow, in the Mudgere Taluk, for arrears of revenue and Mr Reay's memorial for compensation —

Order.

This is a regrettable case from several points of view. But the facts are simple & Mr Reay has clearly no legal claim on the State for Compensation for the loss he has suffered. The Sale by the Sheikdar was contrary to rules & the Dep. Comr. would matters have turned out, have exercised a wise discretion in Cancelling it. It seems however that he passed his order with all the facts before him. Mr Reay on the other hand has put himself out Court by making no arrangements to pay his arrears, by failing to entrust his property to an agent empowered to act for him in his absence & by exaggerating his loss.

Circulate Memoranda

Under the circumstances I consider Compensation of the question.

But I am clearly of opinion that this time has come for reconsidering Land Revenue Rule 35 as observed by the Dewan in his note I on one occasion attention to the safeguards provided. But further experience leads me to think that the safe are not efficient

This claim may now be rejected — Secretary will prepare a draft memo for approval.

H/ 7 NOV

This will be again submitted with

During the past few months I have had numbers of these "hard cases" before me. The discretion to cancel sales exists; but it is hardly ever utilised. If it were utilised equal a greater hardship would be caused to the purchasers in most cases. Moreover as observed in a note on the present file, if sales are cancelled frequently people will not bid at Govt auctions.
Personally I find it difficult to believe that people prefer to be deprived of their land, that is, of their means of livelihood, rather than to be put to the temporary inconvenience caused by a distraint of their moveables. In the present case if Mr Reay's moveables had been sold most of the trouble would have been avoided. In any case his complaints could have been dealt with summarily.
I desire, now that reports may be called for through the Revenue Commr. from all Dept. Commrs on the working of rule 35 to be submitted within 3 months. The question of the terms of the reference & the special points for consideration is important & I should like it treated as a scheduled case under Cl. xii of the Schedule.

KAW

468
2.3.03.

2/3/03

563

Please trace up references.

1894
1774 Rec Bonner 8(1

Has reference on the
subject been sent to
the then C&S: Dewan
on 17-2-94, they have
not received back since then
H. H. [illegible]

1894

Secretary
Submitted for info.
22/4/98 M
25/4/98 N
Rec'd

I think this case
needs [illegible]
Forest Ranger —
Enquire into the
Forest Ranger —

M
N 23/4/98 21/4/98

This has been submitted to the Dewan
on 17.3.98.
23/4/98 Submitted to Secretary
N
Rec'd

Let this go into Mail file
Forwarded to Asst Secretary
D.F.O. 25/4/98
N
25/4/98

From

Mr J. F. L. [illegible]
Benson Town
Bangalore

To

The Secretary to the Govt. of Mysore
Rev. and Gen. Depts.

(10)

Dated 15th April/98
Despatched
Received
General No.
No.

Enclosure No.

Informing that as the
Burbar are sending
an Agril Chemist to
enquire into the cause of
leaf disease at the
special request of the
Tinpur South Planters'
Association, there is a strong
building in the situation,
area & Extent Vem of which
are described in the letter

References to be marked.

23.4.
Submitted to Secretary
for orders
Rec'd 28/4 C. Chemist
Rec'd 29/4
Absent
Rec'd 16/5/98
15/5
P. S. G.

Rec'd 2/4

No 7486
A R1269
189
SECRETARY'S OFFICE
Regd. No
19 JUL 1898
Mysore P. W. Dep.

Ans 167

Benson Town
Bangalore 15/4/92

To The General Secretary (11)
to Govt of Mysore.

Dear Sir

I have the honor to inform you that as the "Dunbar" am sending an Agricultural Chemist to enquire into the cause of Disease at the Special Request of the S. Mysore Planters Association in the District of Kadur & Hassan I beg to inform you that there is a strong Built Bungalow for each with about 15 acres of land attached in the very heart of the District of S. Mysore viz. 3 miles from the town of Mudigere 8 miles from Koribidenur town. 19 miles from the town of Beylur, & 19 from the town of Sucklespore
The Agricultural Chemist will desire quarters to carry out his Experiments on the Mulnad.

Mulnead.

The Property for sale is called the Cathania Bungalow Abchurch Villas for perticulars - Roads not yet Is furnished completely - The present owner only wants his $3500 for it - The Building is open to inspection & Introduction by Colonel & N.C. Weir of the Yclub.

I will accomodate the Impress Weir with empt.

The Property formerly belonged to me & the Buildings cost his $3000 without the value of the land, which is valued at 500 pounds each. & The Furniture is in good condition

Trusting you will bring this matter to the notice of the Golf. My self before the rains as that a hansom may be conviniet

I have the honour the.

Yours faithfully

J. H. L. Reay.

Mis 3541 8/2

189 8 9908
10-5-98

From Mr. J. F. L. Reay
Bangalore

(14)

19 JUL 1898

To The Secretary to the Govt. of Mysore
Rev. and Gen. Depts.

Dated 9-6-98

Despatched

Received

General No.

No.

Enclosure No.

Requesting to allow the
Dy Comr Kadur to act the
appointment of one of the neighbouring European planters
in valuing the Cathcart
Bungalow near Birdjere
required by Govt for
quarters for Executive
officers

References to be marked.

Submitted
a draft
Thu 28/6/98

To the Dy Comr (Mis: 4066 of 98) (7317 8/6/98)

(15)

Bangalore,
9/5/98.

To The General Secretary
Revenue Department Mysore Gov-

Dear Sir -

I have the honor to state that in reply to my last letter to Govt of Mysore re the Purchase of the Cathemi Bungalow near Mudigere, Kadur District for quarters for Executive Officer I am informed that the Asst Commissioner of the Kadur District has inspected the Premises and Land & called a Punchait of Ryots to value the same.

I beg to point-out that Mulnaad Ryots know nothing about the cost of European Bungalows & would be pleased if the Deputy Commissioner Kadur District would be allowed to ask the opinion of one of the neighbouring planters European in the same Village.

SB

Draft

1897-8

(12)

To Mr. J. F. L. Reay

Bangalore

No. 17317 & 30 June 98
in 4066

His letter dated 9th May 1898 in re the Cathenni bungalow near Mudigere, Kadur District.

Has the honor to request that the ~~Government~~ Number and date ~~of~~ ~~a copy~~ of the Government order directing the inspection and valuation of the property (Maybe left to settle about ~~forwarded~~ intimated) to this office ~~for reference~~

By orders

29/6/98

for Secretary

Transd/6

214
9-7-98. 1898

Mis 81

814

From

Wm. J. Ray

Bensontown, Baltimore

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

Dated 8th July 98 (8)

Despatched

Received

General No.

No.

Enclosure No.

Suggesting the purchase by Govt. of the "Catherine Bungalow at Mudgere".

References to be marked.

Encld.
The first letter from Mr. Ray
with the accompanying
title deed & the Register Extr.
Chamrish -
Mr. 13/7/98 Submitted
13/7

Sheds & Cart - Bungalow built - Burnt Brick - Inspection Visit - Plans &c sent - Inspection Plans Etc - Cart Lanes - Buildings &c - Lang 142-143

Inspection of Buildings - Cart Lanes &c - Lang 142-143

Land 136 - Inspection Buildings - Cart Lanes &c - Lang 142-143

Mag 7.98

Bonen Town -

Bangalow - July 8th 98.

(9)

To General Secretary
to Govt of Mysore.

Sir - Re Cottonia Bungalow - Mudigere taluk - Kadur dist -

In reply to his endorsement dated 30th ult - G.O. No 17317/4166 - I have the honor to state that I am now on the Annual Inspection of the Chikmagalur Division and that the Bungalow at Mudigere, directing the Inspection & Valuation of the above Bungalow will be carried out by the Govt of Mysore - but I am aware that the said Bungalow was inspected by the Asst Comr of Kadur taluk during the absence of the Dept Comr of the taluk at my request - at the said Inspection he found that the bungalow was called for "Mavallen bungalow" being 4 miles off the Town - In reply - I would suggest that Govt of Mysore may be disposed to purchase the same for the use of D.P.W. & Forest Department &c

Mr Rice Asst Engineer D.P.W. Department Kadur Subdivision accepts a Govt Building in the Town of Mudigere, built by Govt - In the case of Govt Officials (Non Gazetted) in the Province the which Building could be erected by him - it is not necessary that he should live in the Town itself, as he would hold a better command of the Roads - "Mudigere Sudlapura - Mudigere" Baylur - Mudigere - Kalasa" of Govt property Cottonia Bungalow. Which he could be allowed to occupy -

The said Bungalow is now occupied by a Mr C.D. Forest who will be ready to dispose of the same to Govt Officials at Govt Rates - as per agreement between Govt of Mysore - stating that this suggestion will meet with the approval of Govt of Mysore - I have the honor to be Sir

an early reply

Your faithfully -

J.T. Lucas

Letter dated 5th July 1898 from
Mr. F. L. Keay.

In the correspondence ending with the letter above quoted, Mr. Keay asks Govt to purchase a house called "the Catharine Bungalow" situated at a distance of 3 miles from the town of Madgaon in the Kadra Dt. He says that the house will do very well as quarters for the Agricultural Chemist proposed to be appointed, or for any officer of the P.W. or Forest Dept. The building is said to have cost Rs. ~~3000~~ 3500 exclusive of the grounds and furniture and that the owner is willing to sell it for Rs. 3500 or for any reasonable offer.

Nothing definite has been decided regarding the employment of an Agricultural Chemist.

It would appear that the building was inspected by one of the Asst Commrs of the Kadra Dt who declared that it was useless for a "Travellers Bungalow" being 4 miles away from the town, but Mr. Keay says that it would be useful for one or other of the depts named above.

There is no proposal from
any of the Officers of Govt
regarding the purchase of this house

Valid & Leg. [illegible] 14/7/98

No 913. / No 211 / No 7-98

It is proposed to the Secretary
to Govt N.W. for disposal.

Superintendent.

Secy to Govt

14-7-98

A 1898 Mis 516

MYSORE P. W. DEPARTMENT.

No. 4932 2069 6-9-98

(1)

From

The Chief Engineer of Mysore,
Bangalore.

To

The Secretary to the Government
Genl & Revenue Depts.

Dated Bangalore 1st September 1898

Despatched

Enclosure No. 9

SUBJECT.

Forwarding V.C. Subbayya's letter regarding the offer of Mr. Keay to sell the Cathedral Bungalow in Mudgere to Govt.

Subd

The Chief Engineer has replied that the building in question will not be of use to his department. If approved, the opinion of the Conservator of Forests may also be invited.

7/9/98

yes C 9-9-98

Drafted 9/9/98

9/9/98

No.354. Dated/Kadur,16th August 1898.

(2)

From,

The Executive Engineer,Kadur Division.

To,

The Superintending Engineer,Western Circle.

Superintending Engineer's No.2558 dated 27th July 1898,on the offer of Mr.Reay, Coffee Planter, to sell the Catherine Bungalow,Mud-gere Taluk, to Government and calling for a report as to whether the building is of use to the D.P.W.etc:

Adverting to the above, has the honor to report that the under-signed inspected the Bungalow on the 11th Instant.There are some lands surrounding the Bungalowwhich is built partly of pucka and partly of kutcha work, and a small out-house in a dilapidated condi-tion.The Bungalow is situated half a mile to the south of the Mud-gere-Gonibede-Belur Road opposite 3rd Mile stone.A cart track runs on the saddle here from the road to the Bungalow.Its distance from Mudgere is 4½miles.

2. From its proximity to Mudgere and its being situated away from the road ,it is not likely to be used as a camping place.The re-quisite buildings for the use of the D.P.W.have all been recently built at Mudgere.It is further 4 miles distant from the proposed site for the Anjur Bridge, and so is too far to be utilised as quar-ters for the staff to look after the Bridge work.Such being the case,

case,the undersigned considers that the building will not be of use to the Depart-ment, Public Works.

3.The file of correspondence received with the letter under reply is herewith re-submitted.

(Signed)B.Subba Row.

~~Offg~~:Executive Engineer,

Kadur Division.

No. 4932 / 16 Dated Bangalore, 1st Septr 1898.

Copy forwarded to the General Secretary to Government, with reference to his endorsement No.913/mis.211 dated 16th July 1898 (herewith returned with the file that accompanied it),to allow of a reply being sent from his office to Mr.Reay,after ascertaining whether the Forest Department requires the building.

J. Cassidy Colonel,

Chief Engineer of Mysore.

Enclosures 9.

~~845~~ 845

OFFICE OF THE
2061
5-9-98. 1898

Mis 842 547

From Mr. J. F. S. Reay
Planter
Benson Town,
Bangalore.

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

Dated 2nd Septr 98.

Despatched

Received

General No.

No.

Enclosure No.

Enquiring whether the Govt will purchase the Catherine Bungalow near Mudigere

---

References to be marked.

Subd: with previous papers &
D.P.W. Secy's letter of 1st Sept.
6/9

In reference to my letter dated May 11 "98.
Enclosed I send herewith Plan & Report
4/5/99

Venkatram
Bangalore 2-9-98

To The General Manager
Revenue Department Mysore

Dear Sir

Re Purchase of Cathrums Bungalow.
near Mudigere Kadur District

I would be pleased to know if you
are prepared to purchase the said Bungalow for
the use of Officers of the P.W.D. Forest or
other Department Kadur District as the
Building seems to me to be well constructed
material and any of the above Departments
Govt of Mysore would not only be benefited by
their purchase but would also be doing
a great service, as I am now on very
reduced circumstances having sold my
coffee estates in the Kadur District & am about
to continue there cultivation on a small
scale and would, under these
circumstances

I beg to remain
Dear Sir
Your obedient Servant
J. Venkatram Pensioned Revenue Inspector

1898

P/ 518

To
The Conservator
of Forests in Mysore.

Dated 13 September, 1898.

No 3554 / 928 ~~Under Secy~~

I am forwarding herewith the margin ally noted papers in original (to be obligingly returned) relating to the offer of Mr. J. L. Reay, Coffee Planter, to sell to Govt. the Catherine Bungalow situated at a distance of 3 miles from the town of Mudgere in the Kadur District, has the honor to request (the favour of being informed) ~~that he will be so good as to favor Govt with his opinion as to whether or not the building referred to would suit the purposes of~~ in question

1. Letter dy 15-5-98 from Mr. J. L. Reay
— do — dy 9-5-98 from — do —
1 — do — dy 8/7/98 from — do —
1 — do — dy 2-9-98 from — do —

This Office docket No 17317 / 1066 dy 30/6/98.

1. Under Secy's memo dy 4/7/98 and this Office endorsement No 913 / 211 dy 16-7-98 transferring the file to D. P. W. Secy. for disposal.
1. ~~Do~~ Docket ~~Endorsement~~ No 49328 dy 1-9-98 from the Chief Engr. in Mysore to the Secy to Govt, Gl & Rev. depts.

Use to his department

By Order

Sect. to Govt.

to Secy.

9/9/98

From

The Secretary to the
Government of Mysore,
Gen. & Rev. Depts.

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

519

OFFICE OF THE

CONSERVATOR OF FORESTS IN MYSORE

Rev. Forests.

No. 25

Rec: 15

Camp Onyam

Dated Bangalore, 10th October 1898.

Despatched 10th October 98.

From

COLONEL I. CAMPBELL WALKER,

Conservator of Forests in Mysore.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue Departments.

SIR,

(Referring to yours) (No. 3554 of 13th ult.) (enclosures herewith returned), I have the honor to state that the Deputy (Commissioner of Kadur reports that his) (Cathariene) Bungalow offered for sale by (Mr. Reay would be of use) to this Department, being situated (alone) and off the Kopp (Hudigere Range) at a distance from other forests and therefore immovable) save the Range Officers (quarters or) office.

I have the honor to be,

Sir,

(your) most obedient servant,

U Campbell Walker Colonel

Conservator of Forests

Mis 1245

OFFICE OF THE DEWAN OF MYSORE. 3392. 12 OCT 98

1898.

From

THE CONSERVATOR OF FORESTS IN MYSORE

To.

THE SECRETARY TO GOVERNMENT, GENARAL AND REVENUE DEPTS.

Dated 10th October 1898.
Despatched Camp Mysore.
Received

General No.
No. No. 25
Rec'd 15.

SUBJECT

Referring to Secretary's Ire: 3554 of 13th instant. Mis 928. Stating that the Cattermole's Bungalow offered for sale by Mr: Percy is of no use to this Department.—

G
12.10.98
Submitted
and draft
Sam
13/10/98

Subd to Secy with a draft. Neither the D.P.W. nor

Not the Forest Dept requires the Bungalow. It is on record that it is not saleable for a Travellers' Bungalow.
14/10/98

1898-9

not found in the register

To

Mr. J. F. L. Reay,
Benson Town
Bangalore

No. 5456 / Hm 1254 dated 20 October 98

His letters dated the 15th April and 2nd Sept. 1898, ~~requesting~~ enquiring to know whether the Government of Mysore will purchase the house known as "Catherine bungalow" near Mudigere in the Kadur District.

In reply, has the honour to state that the Government regret that the house referred to is not required for any public purposes & cannot therefore be purchased by Govt.

Bangalore 20/10/98

14/10/98

Mem 13/10

for Secretary

From

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

Dated

Despatched

Received

General No.
No.

Enclosure No.

References to be marked.

mm 1139

OFFICE OF THE DEWAN OF MYSORE
4084
1-11-99

From Jno H. Leathes Esq.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 30th Oct 99

Despatched

Received

General No.

No.

Enclosure No.

Offering to sell his bungalow & land (attached) near Bindiganavile, Kadur Dt. & offering any assistance to the Agricultural Chemist.

References to be marked.

Subd: with references.

MK
18/11

Noted to Secy

Please see the previous correspondence (Chemist's letter)

from which it will be seen that the question of purchasing the "Catherine Bungalow" near Madagarahalli was once under consideration, and it was finally decided that the building was not required for any public purpose and could not be purchased by Govt.

Mr. Ray recommends the purchase, and says that the building & lands will be very useful for Dr. Liebmann, Ag.l Chemist.

May the whole file be sent to the Ag.l Chemist and his opinion called for?

LL 18/11/99

I don't think any reference action need be taken on this. Let it be seen till the question of experimental cultivation arises at the close of January next & disposed of

19-11-99

30/11/99

Bangalore

Benson Town

Bangalore. Oct 30 99.

To The General Secretary.

Revenue Department.

Dear Sir -

I understand that the "Dunbar" contemplate importing Coffee seed from the Countries in order to improve the strain of the "Mysore Coffee" - planting out in Nurseries in the Malnaad for the benefit of the Mysore planters under the supervision of Mr. Lehman "Agricultural Chemist" to Govt of Mysore.

I own a bungalow - 18 acres of Land near the town of Mudigere Kadur District which I think will adapted for the purpose - & for a head quarters for Mr. Lehman when Travelling on his Circuit in S. ~~India~~ Mysore

It is centrally situated - easy of access. The report has been checked & valued by the Executive Engineer. S.P.W. Kadur District as I intend to let Government in 97 -

I am perfectly willing to accept Govt Valuation - I beg to state that I shall be glad to be of any assistance to Mr. Lehman and place my experience in Coffee at his Service -

I have the honor to be Sir

Your Obedient Servant -

F. Hayland Reay

P.S. I shall be glad to meet "Mr. Lehman - Agricultural Chemist - & give him any suggestions on the subject

R. 1796

4513
25. X. 1900

SL 19
Bdl. 685

From

The 1st Asstt Resident.

F

To The Offg Dewan of Mysore

~~The SECY. to the GOVT. of MYSORE,~~
~~Gen. & Rev. Depts.~~

Dated 23d October 1900.

Despatched

Received

REVENUE DEPARTMENT
GL No. 2906
OCT. 25 1900
DIWAN'S OFFICE

General No. 5460
No.

Enclosure No. 1

Forwarding copy of a letter from Mr Reay reporting that a bungalow in the Mudigere Taluk, valued by him at Rs: 4000, has been sold by the Amildar for 200 Rs and stating that the Resdt would be glad to know what the facts of the case are

References to be marked

Rev

Submitted for
1st Giracillor
25/10/00

Please see Offg Dewan's
slip attached
25/10/00

Rec'd 27/10/00 from 1st Cl Asst
Rev Branch

Please see the Offg Dewans
Orders on the Resdt's letter
27/10/00

Reed & draft sobd
27.10.00

No. 57.60 En 1

FROM

THE FIRST ASSISTANT TO THE RESIDENT
IN MYSORE.

To

The Officiating Dewan of Mysore

Dated Bangalore, 23 October 1900.

SIR,

I am directed to forward the accompanying copy of a letter dated the 10th instant from Mr. Reay reporting that a bungalow in the Mudigeri Taluk of the Kadur District, valued by him at Rs. 4000/-, has been sold by the Amildar for Rs. 200/- on account of arrears of revenue amounting to Rs. 40/-. The Resident would be glad to know what the facts of the case are.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident

Chanda

Central Provinces,

10/10/00

To

The Resident in Mysore

Sir,

Property of mine value Rs. 4000/- in the Mudigeri Taluk, Kadur District, called Katherine Bangalore, was sold by the orders of the Deputy Commissioner Kadur for arrears of tax, a small sum amounting to Rs. 40/-. I left the bungalow, locked it up, and came up to Bangalore.

I left intimation at the Post Office and also the Treasury Mudigeri my Bangalore address. During my absence the place was sold by the Amildar for the small sum of Rs. 200/- when I valued it at Rs. 4000/-. This property was known to the Mysore Government as it had been offered to them by me for sale as a Rest House or Forest Lodge, and had been valued by the Department of Public Works Assistant Engineer on behalf of Government of Mysore. Records will be in the office of the Department of Public Works.

Mr. Carr who was then the Deputy Commissioner had not seen the property and I consider that he has acted in an unjustified manner. He should have personally inspected the property before allowing it to be sold for the small sum of Rs. 200/- Rs. 40/- arrears of assessment being only

due by me on the land.

I now request that you will be good enough to request the "Dewan" to call for full enquiries, and that compensation of at least 1/3 of the value be allowed me.

The full details of the property will be forwarded to you through my attorney to forward to the Dewan. Failing to obtain satisfaction from the Government of Mysore I shall appeal through you to the Government of India.

I cannot personally present my grievances as I am at present acting as Famine Assistant in Chanda, Central Provinces. Trusting that you will see that a full enquiry is made

Yours faithfully

(Signed)

F. Reay

Famine Assistant

Chanda C.P.

Copy.

Mr Lewis

Registrar

Draft as per orders

5113

To.

The Dy Commr=
Madura District.

Dated. 29/10/00
24/10
No. 3519
R 1142

In forwarding herewith a copy of letter dated 10th Instant from Mr. F. Reay, Famine Assistant, Chanda, Central Provinces, to the Hon'ble the Resident in Mysore, complaining that his bungalow in the Mudgere Taluk, valued at Rs. 4000, has been sold by the Amildar for Rs. 200/- on account of arrears of Land Revenue amounting to Rs. 40/-, I have the honor to request that a detailed report of the case be submitted at a very early date, together with the records bearing

Appn
Make two Mi. Copys - Do not send Mi. Copys from this Office - Keep in the file for ref
31
27/10/00

bearing on the Subject
as well as the records, if any,
Shewing the valuation
put upon the building
by the Mysore P.W.D. when it
was offered for Sale to
~~this Govt.~~

"By Order"

M
27/10/00
For Secretary

Copy forwarded to the
Chief Engineer in Mysore,
with a request that he
will be good enough to for-
ward to this office, the views,
of any, referred to in para
2 of Mr. Reay's letter. an
Extract Whereof is enclosed.

By Order.

M 27/10/00
For Secretary

SL 114

No. 3520
R 1143 dt 29.10.00.

Subd
If approved, this will
be noted.

M
27/10/00

Noted
Make an Extract

M
27/10/00

Copd
27/10/00.

REVENUE DEPARTMENT
G.L. No. 3281
NOV. 21 1900
DEWAN

1900-1

R 2053

From The Deputy Commr
Madura District

To The Secretary to the Govt of Mys
General & Revenue Depts

Dated 8th

Despatched - November 1900

Received

General No. 298
No.

Enclosure No. 4a news papers

Reporting on the complaint of Mr J. F. L. Reay in the sale of his bungalow valued Rs 4000/- for Rs 200/- by the Amildar of the Madgere Taluk on account of land revenue arrears due by him

R Wright
10.11.00

Reply has to go to Rev Dept
10/11/00

Subd with a note.
88.
14/11/00

Subd with Draft
Ups
10/11

Deputy Commissioner's Office
Kadur District
Chikmagalur 8th November 1900

From

H. A. Sparkes Esquire
Deputy Commissioner
Kadur District

To

The Secretary to the Govt of Mysore
General and Revenue Depts

Sir,

Adverting to your docket No 3519/R 1142 of the 29th October 1900, calling for a detailed report on the letter of Mr J. F. L. Reay, a coffee planter, to the address of the Honble the Resident in Mysore, regarding the sale of his bungalow in the Mudgere Taluk, I have the honor to state that a sum of Rs 22-4-8 being arrears of land revenue Rs was due to Government by Mr Reay for 1898-99 on account of his Khate lands situate in the Joganamakere village in the Mudgere Taluk. A notice of demand was served by the Taluk Revenue authorities on the defaulter's land as his whereabouts were not known The defaulter having failed to pay up the arrears of land revenue, his

Khate

Khāte lands, viz:

S. No	Acres	Assessment
134	3-30	6-0-0
142	2-35	4-8-0
143	5-14	8-0-0

had therefore to be declared forfeited and advertized for sale on the 30th November 1899. The aforesaid lands had been estimated at Rs 19, and bungalow stood on S. No 143 at Rs 10.

2 On the 30th November 1899 the villagers of Jagannaikere requested the Shekdar of Gonibid, who was deputed to conduct the sale, to postpone the same till the next day on the ground that they had to attend the car feast which was arranged to be celebrated at Gonibid on the day of sale. The Shekdar accordingly adjourned the sale to 1st December 1899. On this date persons who were present wanted to know whether the movable property kept in the bungalow would also be sold in addition to other landed property advertized for sale; that, till they are definitely explained, they would not prefer to offer their bids as the bungalow

was estimated to be worth Rs 100/. The Shekdar, however, reported these circumstances to the Amildar, who issued another notice of sale to be held on the 25th January 1900. The sale was on this date held by the Shekdar. The defaulter's Khate S. nos 134 and 142 had no bids, and the other S. no 143 on which a bungalow stood was sold for Rs 250 with the exception of movable articles kept in the said building, and Mr E. M. Playfair became the highest bidder. As the doors of the bungalow had not been secured, an inventory of the articles found therein was prepared in the presence of the Panchayets and handed over to the Patel of the village for safe custody and production when demanded.

3. On submitting the entire records of the case to the Assistant Commissioner in charge of the Taluk, the Amildar reported in his no 800 dated 7th February 1900 that notices of demand and sale could not be served on Mr Reay as his whereabouts were unknown; that notices had however been sent

to

to Bangalore and Kolar; that though the amount realized in the sale being fair, he would, in taking into consideration all the circumstances of the case, recommend for resale of the property being held. On 3rd March 1900 the Assistant Commissioner in charge of the Taluk accordingly ordered the resale.

4. On the representation made to the Deputy Commissioner on 10th March 1900 by Mr. E. M. Playfair urging that, he being the highest bidder, the sale of the property knocked down to him might be confirmed, Mr. Carr, the then Deputy Commissioner, after going through the entire records of the case and the necessary explanation obtained from the Amildar, passed an order on 29th March 1900 confirming the sale in question for reasons therein recorded.

5. In disputing the sale above referred to, Mr. Reay represented to the Deputy Commissioner on 26th April, 24th June and 2nd July 1900 respectively and to

which he was replied in this office letter No 69 of the 11th July 1900 (copy herein enclosed) stating that the sale was confirmed by the Deputy Commissioner as due notice had been issued of confiscation and sale, and as it was reported by the Amildar that the property had fetched a price commensurate with its market value.

6. In regard to Mr Reay's contention that the bungalow had been estimated at a higher value; the previous reference on the subject shows that, in April 1898, Mr Reay had offered to sell his bungalow to Government, that Mr Carr, the then Deputy Commissioner, had desired his Assistant Commissioner Mr R. Ramaswamiengar to inspect the building and to report as to whether it would be of any use to Government to make it as a Travellers Bungalow, or for any other useful public purposes; that Mr Ramaswamiengar replied in his letter No 40 (copy enclosed) of the 6th May 1898 stating that it being

being in a corner and in close proximity to Mudgere (3 miles) the building cannot be used as a Travellers Bungalow; and that if the purchase of the lands for opening a Government plantation be decided upon, the Public Works Department might be referred to as to the valuation of the building.

7 From the accompanying copies of correspondence ending with docket No 248 of the 2nd November 1900 received from the Executive Engineer, Kadur Division, it will be seen that the bungalow referred to by Mr Reay was in 1898, estimated to be worth about Rs 1000/-

8. The vernacular records in regard to the sale of the land with building in question are also herewith submitted for reference and obliging return.

I have the honor to be,

Sir,

Your most obedt Servant

Hill Sparke

No 69.

Deputy Commissioner's Office,
Kadur District,
Dated, Chikmagalur, 11th July 1900

From

F. G. G. Carr Esquire,
Deputy Commissioner,
Kadur District.

To

J. F. X. Reary Esquire

Sir,

In answer to your letters dated 26th April, 24th June and 2nd July 1900 regarding your property in Joganmankere village, Mudgere Taluk, I have the honor to state that notices of demand and sale were served on the property and in the village of Joganmankere as required by Government on 29th September and 27th October 1899, and the sale notice was duly published in the same village on 12th and 16th December 1899 and signed by the villagers and neighbouring Planters.

2. On the 25th of January 1900 the sale was duly held, and there being no bids for your survey numbers 142 and 134, 2/143 on which the bungalow is situated was sold to the highest bidder Mr. E. M. Playfair, for Rs 250/-.

3. On 29th March 1900 the sale was confirmed by me

as due notice had been issued of confiscation and sale, and it was reported by the Amildar that the property had fetched a price commensurate with its market value.

4. Please note that as numbers 142 and 134 were not sold, they still remain in your khata; and that it is on account of them that Rs 11-2-6 is due to Government as arrears of kandayam for 1899-1900.

5. Adverting to your contention with regard to reduction of assessment, I have the honor to point out that it was on your motion in September 1894 that your survey numbers 142 and 143 were assessed at permanent coffee rates. In June 1899 the officiating Deputy Commissioner declined absolutely to reopen the question of reconverting your coffee rate into wet or dry assessment.

6. With reference to the moveable property - furniture and the like left in your bungalow, I have been at the pains to order the police to take charge of it, until such time as you or any other authorized person, may lay claim to it.

7. In conclusion I would point out that no authorized agent of yours has ever appeared or made himself known as such to the Taluk authorities.

that your whereabouts were unknown; and that all attempts to communicate with you proved fruitless. The authorities have, I consider, done the best for you under the circumstances. There is a sum of over Rs 200/- to your credit in the Taluk Treasury - the police will hand over your moveable property to you whenever you care to claim it. and the survey numbers 142 and 134 still remain in your khata.

I have &c

/Signed/ F. S. L. Carr

Deputy Commissioner,
Kadur District.

"Copy

Attd

Deputy Commissioner,
Kadur District.

No 40 Encl: 1.

Extra Assistant Commissioner's Office,
Kadur District,
Dated, Chikmagalur, 6th May 1898.

From

The Extra Assistant Commissioner,
Kadur District.

(2) 1697

To

The Deputy Commissioner,
Kadur District.

Sir,

With reference to your docket No 1542½ dated the 19th ultimo, forwarding a letter from Mr. J. L. Reay requesting to purchase his property known as - "Catharine Bungalow" near Mudgere, I have the honor to state that I inspected the property on the 1st instant. The house faces towards the East It has 3 rooms on either sides with a small dining hall in the centre. There are also verandahs both in the front and the rear. The whole building measures about 39 feet East to West and 48 feet North to South. It is somewhat shaky in parts, the walls having cracked. The roofs need strengthening by good timber. The situation of the bungalow is at the distances noted in Mr. Reay's letter and will no doubt accommodate two unmarried Europeans.

2. Being in a corner and close proximity to

Mudgere (3 miles) the building, in my opinion, cannot be used as a travellers' bungalow.

3. As regards converting the lands around the bungalow into a Government farm, as suggested by Mr Reay, I think that it is question to be answered by a specialist on investigation, and inspection of the place.

4. During the course of inspection I observed that large numbers of Cinchona trees were grown in the neighbouring estates of Sahukar Davood sab and Sannegowda, as may be seen from the accompanying sketch Survey No 150 belongs to the former and No 49 to the latter. Some of the trees grown there have a healthy appearance, but the present proprietors are not making use of the plants for the purpose to which they might have been intended by the original planter.

5. Mr Reay states that the lands around his bungalow come to about 15 acres. According to the accompanying sketch Mr Reay has in his holding Survey numbers 142, 143 and 387 amounting to 13 acres and 35 guntas in the Joganmankere village. To the north of these numbers lies No 138 which is a paddy land in the holding of Miss middleton Reay. Its extent is 5 acres and 9 guntas. It is 50 feet below the situation of the other numbers. The building stands in survey number 143.

6. Should Mr Reay's application be taken in a favorable light, I think Nos 142, 143 and 387 may well be formed into a Cinchona plantation having the building almost in the centre. In which case, barks of trees in the adjoining Estates may also be available.

7. The valuation of the ground and the bungalow, materially varies. I was given to understand that Sahukar Davoodsab offered Rs 1500/- and Mr Scott Rs 2000/- for the whole property. A bit of waste land (No 141) measuring 31 guntas was purchased for Rs 50/- by the said Davoodsab. At this rate the area of 14 acres would be worth Rs 1000/- at Rs 70 per acre. The bungalow itself which is said to have cost upwards of Rs 2000/- may now be valued at half the cost (Rs 1000/-)

8. The locals put on a very low valuation on the ground (Rs 10 per acre). I sent for Sahukar Davoodsab and questioned him. He admitted having purchased the 31 guntas for Rs 50/- on various considerations. He further stated that he did not offer Rs 1500/- for the property in earnest.

9. If the purchase of the lands for opening a Government plantation be decided upon, the D. P. W. may be referred to assess the valuation

of the building.

9. Mr. Ranjo's letter received with the docket under reply is returned.

I have &c

/Sd/ B. Ramaswamiengar
Extra Assistant Commissioner
Kadur District

Copy

Deputy Commissioner
Kadur District

No 354 / Ex 5 Dated 16-8-1898

22.

From

The Executive Engineer
Kadur Division

To

The Superintending Engineer
Western Circle.

Superintending Engineer's No 2558 dated 31st July 1898 on the offer of Mr. Reay, Coffee Planter to sell the Catherine Bungalow, Mudgere Taluk, to Government, and calling for a report as to whether the building is of use to the D.P.W. &c.—

—//—

Adverting to the above, has the honor to report that the undersigned inspected the Bungalow on the 11th Instant. There are with some lands surrounding one bungalow built partly of pucka and partly of kutcha work

and a small outhouse in a dilapidated condition. The Bungalow is situated half a mile to the South of the Mudgere - Jonibird - Belur Road opposite the 3rd mile Stone. A cart track runs on the saddle here from the Road to the Bungalow. Its distance from Mudgere is 4½ miles

2. From its proximity to Mudgere and its being situated away from the Road, it is not likely to be used as a camping place. The requisite buildings for the use of the D.P.W. have all been recently built at Mudgere. It is further 4 miles distant from the proposed site for the Anjur Bridge, and so is too far to be utilized as quarters for the staff to look after the Bridge work. Such being the case, the undersigned considers that the building will not be of use to the D. P. W.

-3. The file of correspondence received with the letter under reply is herewith resubmitted. —

Sd/ B. Subba Rao

offg. Executive Engineer
Kadur Division

"copy"

Deputy Commissioner
Kadur District

Gen 1619

No 2558
Ex. 5.

Dated Bysore 27th July 1878.

(4)

From

The Superintending Engineer
Western Circle.

To.

The Executive Engineer
Kadur Division

In forwarding the Enclosed file of correspondence in connection with the purchase of a house called the Catherine Bungalow situated at a distance of 2 miles from the town of Mudgere in the Kadur District, requests the Executive Engineer will be good Enough to report whether the above building will be of use as an Inspection Lodge or for any other purpose of this Department. In this case, an approximate valuation

Valuation of the Same should be submitted.

Sd/ W. McHutchin

Superintending Engineer

Western Circle

"Copy"

Deputy Commissioner

Kadur District

Encl 6 to 5

No 310. Dated 27-8-1898
1-9-1898 (5)

From The Sub Assistant Engineer
No III Sub-Division

To The Executive Engineer
Karur Division

Sir

As requested in your No 250 dated 31st instant I have the honor to report that I have inspected the Catherine Bungalow in Elpchoor village, and am of opinion that it is too much out of the way to be used as an Inspection Lodge or for any other purpose in this Department. If the Govern-ment contemplate the appoint-ment of an Agricultural Chemist in the interests of the planting community, the bungalow

bungalow may be useful as a residence for that officer. It is fairly well situated for such a purpose being central and within Easy reach of a great number of Coffee Estates in the Hassan and Kadur Districts.

As regards its valuation, I dare say it originally cost Rs 3,000/- or more; but its present value will not Exceed Rs 1,000/-. The building is in bad order. A small portion in rear has tumbled down and several of the roof timbers will have to be renewed.

Thanks

Sd/ Jos. Dion. Legge

Sub Assistant Engineer

Dodii Sub Division

Copy

Deputy Commissioner
Kadur

Encl 1 to 7

(6)

No. 132. Dt 21-8-1898.

From The Executive Engineer
Kadur Division

To J.Z. Reay Esquire
Catherine Bungalow
Mudgere-

Sir,

I have the honor to acknowledge the receipt of your letter dated 31-8-1898. The Superintending Engineer's decision on it will be communicated on receipt of the same.

Sd/ B. Subba Rau
Offg. Ex. Engineer
Kadur Divisio

"Copy"

Sd/ [illegible]
Deputy Commissioner
Kadur District

AL

Encl to 157

(7)

Catherine Bungalow.
Mudgere, Kadur Dt.
August 31st 1898.

To The Executive Engineer
Kadur District

Dear Sir,

Re Catherine Bungalow, Mudgere

I note that Mr Legge, Assistant Engineer, has been instructed by you to inspect the above building with a view to purchase by Government of Mysore as a Lodge for the use of the D.P.W.—

Captain Erskine 1st Assistant to the Resident in Mysore to whom I mentioned the Subject Suggested that I should offer the purchase of Same to Mysore Government for the use of the D.P.W. as it was not necessary for a Sub-Engineer to reside in the Town of Mudgere, as then, the Building at

at present occupied by Sub-Engineer in the Town could be reserved for the Judicial Department. I understand that Government of Mysore contemplate building a bridge over the river at Anjur Mudgere - Sakleispur road.

Catherine Bungalow Abchoor is situated only 1½ miles from Mudgere Town by the bridle path and 4 miles by road and only ½ mile from Anjur river by bridle path, and 2 miles by road from intended site of Anjur Bridge.

I would be pleased if you would recommend the purchase of the said bungalow by Government of Mysore as it will not only be useful to Government but

but the sale will also benefit me as I am now in reduced circumstances having lost all my capital by investing in the cultivation of coffee in the District which was a failure owing to circumstances over which I had no control.

Trusting that you consider the proposal favorably and notify these facts to Government of Mysore.

I beg to remain, &c.

Sd/ J. F. Leyland Reay.
Coffee Planter.

"Copy.

Sd/ H. H. Sparke
Deputy Commissioner
Kadur District

Ge 1615

C.P. 87. Dated 2nd November 1900.

(8)

From The Deputy Commissioner
Kadur District

To The Executive Engineer
Kadur Division

Sir,

I have the honor to request the favour of being informed at an early date, whether Mr. Reay's bungalow known as "Catherine Bungalow" near Mudgere was ever inspected and valued by the Public Works department. If so, the references connected with it may be kindly sent as early as possible.

Thanks

Sd/ H. A. Sparkes
by Commissioner.

"Copy"

H. A. Sparkes
Deputy Commissioner
Kadur Dt.

Received

No 248. Dated 2nd November 1904.
Encl 1 file

(1)

From The Executive Engineer
Kadur Division.

To The Deputy Commissioner
Kadur District

With reference to his letter No 87 of 18th instant, has the honor to forward for information and obliging return the file of correspondence regarding the proposed purchase of Mr Reay's building known as Catherine Bungalow near Mudgere. The building was inspected by the then Sub-divisional officer of Mudgere, Mr Legge, and the undersigned. In 1898 it was estimated to be worth about ~~Rs~~ 1000/-

Sd/ B. Subba Rau
Offg. Executive Engineer
Kadur Division

"Copy"

Sd/ [illegible]
Deputy Commissioner
Kadur Dt

MYSORE P. W. DEPARTMEN.

No. 5724

CENTRAL OFFICE,

Bangalore, 24-11-~~189~~1900

5116

From Chief Engineer

The ~~Secretary to the Govt.~~ of Mysore,

Public Works Department,

Bangalore.

To

The Secretary to the Govt. of Mysore;

Genl & Revs Departments.

~~MEMO.~~

Sir,

Referring to your No. 3520/R1143 dated 29th October 1900, requesting to forward the records, if any, relating to Mrs Reay's Bungalow in the Mudgere Taluk, I have the honor to inform you that there are no records in this office on the subject beyond the papers referred to in this office No. 4932 of 1st September 1898 to your address.

I have the honor to be,

Sir

Your most obedt Servt

Chief Engineer COLONEL,

~~Secretary to the Govt.~~ of Mysore, P. W. D.

W.D. Dept

has to be put up with the papers returned to office today with the Committee's order thereon.

4/1/1901

Office
Put up with the Connected file
9/1/01

1900.
189

MYSORE P. W. DEPARTMENT.

REVENUE DEPARTMENT
No. 3635
IV. 7 8
R2298
RECEIVED IN THE OFFICE

No. S-724

From Chief Engineer & Secretary to the Govt. of Mysore,

To The Secy to the Govt of Mysore
Revenue Dept.

Dated Bangalore, 24—11—00

Despatched

Enclosure No.

SUBJECT,

Stating that there are no records in this office relating to Mr. Reay's Bungalow in the Mudgere Taluk

Put
7/12
7.11.00

Papers enquiring in this office No. 35-20 & 29/10/00 were sent to the T/C (Mr.) on 14/11/00 with Rl No. 3281/R2053 & 8/11/00 from D-6. Kadur. 12/11/00

Submitted to Chief Engineer & Secretary in Council
11/12/1900

Draft as per orders

To. The Dy Commr
Kadur District

No. 4931 of 24.12.00
R 1665 24

En 9 Pprs. Papers

Dated

No.

The Dy Commissioner's letter No. 298 dated 8th November 1900 reporting upon the Complaint of Mr. J. F. L. Reay ~~for a low price~~ regarding the Sale of his land S. no. 148, with the bungalow thereon; in the Jogamanakere village, Mudgere Taluk, ~~for a low price~~ on account of arrears of Kandayam due by him for 1898-99.

Referring to the above, has the honor to request further information on the following points:—

(1) Mr. Reay says that when he came to Bangalore, he left his Bangalore address with the Taluk Treasury at

Mudgere. If so, why the demand notice or the Sale notice was not sent to him to the address given.

(2) In para 2 of Rule XL of the Revenue Rules it is laid down that in Special Cases, the Dy Commr may publish advertisements of Sales in the news papers. Knowing that this was a Special case, in which a bungalow had to be sold for a small sum of Rs. 21 odd, the peculiarity of why did not the Amildar seek the orders of his Superior officer in view to give wider publicity to the Sale notice?

(3) Mr Reay says that when he left for Bangalore, he had locked the door of his bungalow. But it is reported that the door was found open at the time of Sale. Who opened this? What is the value of the furniture and other things found in the

Bungalow? A copy of the inventory thereof should be submitted for information

(4) Has Mr. Playfair bought the land & the bungalow for himself? What does he say to the sale being set aside & the purchase money being refunded to him?

(5) Whether separate measures cannot be adopted for the recovery of the arrears due from Mr. Reay.

2. The report should be submitted at a very early date with the enclosures herewith returned.

By Order

24/12/00

Offg: Secy

5178

1901

K

To

The First Assistant
to the Resident in
Mysore —

Dated 1st January 1901.

No 5142 dt 9-1-1901.
R. 1737

1606

Asst Encl
Shem 6-1-
Letter upon
Ch
6/1/1901

Sent to the Councillor
Ch
1/1/01

Recd by Post
3-1-1901

Adverting to your
letter No. 5760 dated
23d October 1900, for-
warding for a report
of the facts of the
case, a letter ~~addres-~~
~~-sed to the Honourable~~
from
~~the Resident by~~ Mr J.
Reay, Famine Assist-
-ant, Chanda, Central
Provinces, bringing to
notice that his Bunga-
-low in the Nundgaon
Taluk, valued at Rs 4000
was sold for Rs 200/-
on account of arrears
of land Revenue due
by him amounting to
Rs 40/-. I am directed
to forward herewith a

Mysore — the receipt
the decree & the
bond & original
Mr Taylor's letter
Secretary & are
not required
returned

Recd
4-1-01
Sampath

Compd. 9/1/01.

Copy of letter No. 298
dated 8th November 1900,
from the Deputy Commr
~~Bangalore~~ Kadur District which
gives full details of the
circumstances which led
to the Sale in question.
The Government have how-
ever called for some further
information, on receipt of
which the matter will be
duly disposed of - Up
to this no representation
has been made or any
complaint preferred to
the Durbar by Mr Reay, and
I am to suggest that he
may be informed that if
he is dissatisfied with the
orders passed by the Deputy
Commissioner or the Taluk
Authorities, it is open to
him to prefer an appeal
to Government, or to apply
for a revision of the orders,
under the provisions of
Chapter XIII of the Mysore
Land Revenue Code, 1888.

H.H.

H.H.J. Secretary.

Should the
Mahr. Mr Reay
come in the
matter.

5179

(General Serial No. 30.)

R 3706

1900-1907

From The Deputy Commissioner
Raidurg District

To The Secretary to the
Govt of Bombay
General & Revenue Dept

Dated 29th } January 1907.
Despatched 31st }
Received

General No. 445 } 1907.
No.

Enclosures Number Five

Reporting further in regard
to sale of Reay lands for
recovery of revenue in the
Nidgaon taluk

R
Land Utilisation 4/2/07

Ref
SS

Refer putup. 11/2/07

11/2/01 Recd. 11/2/01 Note submd 88. 12/2/07

R. 11/2/07

Deputy Commissioner's office
Kadur District
Camp Yedehally 29th January 1901

From

H. H. Sparkes, Esquire
Dpnty Commissioner
Kadur District

To

The Secretary to the
Government of Mysore
General and Revenue Depts

Sir.

In reply to your docket no 4931
R 1665
dated 24th December 1900, regarding the Sale of Mr Reay's land in the Jogammankere village, Mudgere Taluk, I have the honor to inform you —

(1) that it is reported that Mr. Reay did not leave his Bangalore address at the Mudgere Treasury but that a notice of Sale was forwarded to the Bangalore Amildar for due publication

(2) It is not known why the Amildar Kesava-yya, since transferred, did not refer the matter to the Head Quarters for orders to publish the Same

same in the Gazette.

(3) Mr. Reay states that he locked the bungalow and gave the key to K. Manjay Gowda of Apshoor village. K. Manjay Gowda, on being interrogated, denies all knowledge of this.

(4) The Assistant Commissioner, Mr. Ramaswamappa, to whom the queries were sent for Enquiry and report, has failed to report who unlocked the bungalow. He has merely reported that at the time of Sale the bungalow was found unlocked. He will now be asked to make further enquiries and report. A copy of the inventory of the articles found at the time of Sale is Enclosed. The articles are placed in charge of the Patel of the village, K. Manjay Gowda.

(5) Mr. Playfair has stated his willingness to hand over the land

and bungalow on repayment of the purchase money.

Mr. Playfair purchased this for himself.

6. The arrears of revenue were due on Survey nos: 134, 142 and 143. Of these 134 and 142 did not realise anything, and Survey no: 143 alone fetched ~~Rs~~ 250/-. Survey nos: 134, 142 still stand in Mr. Reay's khate. There is no other property except the moveables in charge of the Patel to be proceeded against and which are valued at ~~Rs~~ 50/-.

Enclosures with vernacular papers are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant

H H Sparkes
Deputy Commissioner
Kaira District

R 3293

(General Series No. 30)

5120 19

REVENUE DEPARTMENT
04-Vg 5476
FEB 16 1901
Page No —
DEWAN'S OFFICE

From The Deputy Commissioner
Madura

To The Secretary to the Govt
of Mysore
General & Revenue Depts

Dated 13.2 } February 1901
Despatched 14.2 }
Received

General No. 477 } 190
No.

Enclosures Number. 3

Re posting further in re the sale of Mrs. Reay's land in the Jagannakere village Mudgere Taluk

Subject are before the 1st Councillor - ~~with~~ They were subd on 13.2.01 with an Office note that the sale be cancelled & the purchase money refunded to the purchaser. Mrs member subd.
Mr Coutts
18/2/01

2 Clerks are for recn back the matter may note orders of

Asst
18/2/01 19/2/01

Submitted Secretary
The papers are put up - Orders have been sent to Cancel the sale - There is one point of doubt - Please see the portion marked in the Asst's report - The purchaser Mr Rayfair appears to have removed the wood work & roof of the Bungalow sold & that the walls of the Bungalow have in part tumbled down - If we cancel the sale, who should refund

Rec 16-2-01
Mrs
Book When the papers were subd to 1st Councillor
Subd on 13-2-01
Submitted Secretary
19/2/01 the papers are

Chikmagalur
13th February 1901

From

H. H. Sparkes Esquire
Deputy Commissioner
Kadur District

To

The Secretary to the Govt of Mysore
General and Revenue Depto

Sir,

In continuation of this office letter No 445 of the 29th January 1901, reporting on the sale of Mr Reay's land in the Jogannanakere village of the Mudgere Taluk, I have the honor to forward herewith for favor of perusal, with reference to para 4 thereof, the report of the Mudgere Taluk Amildar, wherein it is stated that the enquiry made by him as to who unlocked the door of the bungalow tends to show that the doors of the bungalow might have given way from natural causes.

I have the honor to be,
Sir,
Your most obedt Servant

H. H. Sparkes
Deputy Commr
Kadur Dist

Draft as per order

5023

To very Urgent

The Dy Commr
Kadur District.

Dated 1st March 1901.

No 1703 En 2 pcs
R. 2356 V.P.

Correspondence ending with the Dy Commr's letter no 477 dated 13th February 1901, submitting further report in re the Sale of Mr Reay's land & bungalow in the Jogannanakere village of the Mudgere Taluk, for arrears of revenue due by him.

Referring to the above, has the honor to observe that in the report dated 6th Feb: 1901 submitted by Amildar M. A. Srinivas Rao of the Mudgere Taluk, it is stated that "at present "the roof of the building "and the wood work are

"said to have been removed
"by Mr. E. M. Playfair,
"the purchaser and the
"walls have tumbled down
"in most parts". The
Dy Commr. is ~~therefore~~
requested to report why,
Mr. Playfair was allowed
to interfere with the building
when he had consented
to have the Sale set aside,
& whether on account of
the act of Mr. Playfair
in removing the timber
& otherwise demolishing
Mr. Reay's house it is im-
possible to restore things
to Status quo, even if the
Sale is set aside as agreed
to by Mr. Playfair -

2. A very early reply is
requested.

3. The enclosures are herewith re-
turned for reference & perambulation.

By Order

11/2/01

For Secretary

R. 3574

(General Serial No. 60.)

8122

1224

9

From
The Deputy Commissioner
Madura District

To The Secretary to the Govt of Mysore
General and Revenue Dept

Dated 5th

Despatched March 1901

Received

General No. 519 } 1900-01
No.

Enclosures Number. 3 files of papers

Reporting further on the sale of Mr. Reay's bungalow for arrears of revenue in the Nudgere Taluk.

G. I. Urgent

Ref

Refer put up
6/3/01

Note Contd
6/3/01

6/3/01

6/3/01

7/3/01

Deputy Commissioner's Office
Hadur District
Chikmagalur 5th March 1901

From

H. H. Sparkes Esquire
Deputy Commissioner
Hadur District

To.

The Secretary to the Govt of Mysore
General and Revenue Depto

Sir,

With reference to your docket no 6703 of the 1st March 1901, requesting to report R 2356 (1) why Mr Playfair was allowed to interfere with Mr Reay's bungalow when he had consented to have the sale set aside, and (2) whether by reason of the act of Mr Playfair in removing the timber, &c, of the said building, it is impossible to restore things to their former state, &c, I have the honor to forward herewith, in original with its 2 enclosures, Assistant Commissioner Mr Ramaswamiayas memo dated the 5th instant, touching on the above points.

2. It will be seen therefrom that Mr Playfair removed the roof, &c, for the sake of the materials as soon as the sale was confirmed and before any order on the subject had been received from Government. He is, however, willing to allow a

fair

fair valuation being set upon the materials so removed. This sum may be deducted from the purchase money to be refunded to Mr. Playfair should the Government decide to set aside the sale.

3. The enclosures are herewith returned.

I have the honor to be,

Sir,

Your most obedt. Servant,

H H Sparks

Deputy Commissioner

Hadur District

Encl

Draft for appl
5125
P

To.

The Dy Commr.
Bangalore Distt.

Dated. 7.3.01
No. 6742
12410

Has the honor to request that the Service Register of Kesavaiya, Amildar of the Hoskote Taluk, be obtained & forwarded to this office. at an early date.

By Order.

5/3/01
For Secretary

Note

The Connected file is with me. Please give this to me after record — Please keep file in the Records till.

88 1/3/01

Rec'd & replied 8/3/01

Rf 33-1900

(General Serial No. 30)

GENERAL DEPARTMENT
APR 8 1901

From

The Deputy Commissioner
Of the Bangalore District

To

The Secretary to the
Government of Mysore
Genl & Rev: Dept to

Dated 6th
Despatched 8th } April 1901
Received

General No. .
No. S 1489 } 190

Enclosures Number. One

Secretary's No: 6942 of
R 2410
7th March 1901.

Submits the service
register of B. Keshiya,
Amildar of the Hoskote
Taluk.

SS
Ref Engd
Rev
9-4-01

Read Queen
to proceed as
S. M.
9.4.01

No. D 1489

En 1 Service register

Bangalore District
Deputy Commissioner's Office
Bangalore, 6th April 1901

To

The Secretary to the
Government of Mysore
Genl: and Rev: Depts.

Sir,

With reference to your docket No: 6942 R 2410 dated the 7th March 1901, I have the honor to submit herewith the Service Register of B. Kesavaiya Amildar of the Hoskote Taluk.

I have the honor to be
Sir,
Your most obedient Servant.

Deputy Commissioner
Bangalore District.

Extract from Regr Kept in the Rev. Br.

B. C. Kesavanja.

Appointed by Amildar of Kottigere.
30. 4. 94.

Transferred to Huliyar Sub Taluk
Notfn: no 7200/Q2810 dt 12. 2. 96

Transferred to Kunsi Sub Taluk.
Notfn: no 9139/Q3035 dt 21. 4. 97

Appointed Amildar.
Notfn: no 4907/Mis 948 dt 3. 11. 97

Posted to the Hiriyur Taluk
Notfn. Camp no K dt 28. 11. 97.

Transferred to the Mudgere Taluk
Notfn: no 7689/Q2557 dt 14. 2. 98

Transferred to the Hoskote Taluk
Notfn: no 2276/Q748 dt 11. 9. 00

Nanjunda Rao

N 3101

Draft as per orders

28/2

Read:-

(1) Letter No 5460 dated the 23d October 1900 from the First Assistant to the Resident in Mysore forwarding copy of a letter dated the 10th Idem from ~~the~~ Mr Reay complaining that a bungalow of his in the Mudigere Taluk, valued at Rs. 4000/- has been sold by the Amildar for Rs. 200/- on account of arrears of revenue amounting to Rs. 40/- due by him, & requesting to be informed of the facts of the case.

(2) Letter No 298 dated the 8th November 1900 from the Deputy Commr, Kadur Distt, reporting the facts of the case.

(3) Letter No. 445 dated the 29th January 1901 from the same officer submitting further information on certain points.

Whose Mr Reay - where is his Servant's letter & the last para of Mr Campbell's report please submit them. Such cases should be carefully enquired into

28.2.01

S.G.S

Please see note. Contd =.

points.

5125

No. 9795 / R733-1900 97 5-01

E.V.P.

Order thereon:—

On the 22d September 1899 the Amildar of the Mudgere Taluk issued a Demand notice for Rs. 19-14-6 being the Kandayam due from Mr. Reay for the year 1898-99 on his lands in the Jogamanakere village, Mudgere Taluk, & the Khateedar (Mr. Reay) being absent from the village, the notice was affixed to the land on the 29th September. On the 5th October 1899, the Sheristadar distrained the marginally described lands for default in the payment of the Kandayam above referred to, & on the 20th October, the Amildar recorded an order of forfeiture, under Section 54 of the Land Revenue Code, and also issued a notice fixing 30th November as the date of

S. no.	Extent.	Assessment
(coffee) 134	3-30	6—0—0
" 142	2-35	4—8—0
" 143 ⊗	5-14	8—0—0

⊗ containing a bungalow & some manasthees.

lands. In the sale notice
~~Notice of Sale~~, ~~[illegible]~~ no
mention was made of the
bungalow on S. no. 143. On
the representation of the
villagers that they could
not attend the Sale on the
30th November, the Sheikdar
who had been deputed to
conduct the Sale, postponed
it to 1st Decr 1899. On this
latter date, the villagers
informed the Sheikdar that
if the lands as well as the
bungalow which alone
might fetch Rs 150/-, were
put up for Sale, many would
like to bid for them, & that
there were also some furn-
-niture and other things in
the bungalow, & requested
therefore that they be definitely in-
formed as to what all
would be sold, & that the Sale
~~[illegible]~~ be put off to some other
date. The Sheikdar accordingly his enquiries
sought the orders of the Amil-
-dar, who issued a fresh Sale
notice fixing 25th January 1900
as the date of Sale & directed
the Sale of the lands and the

bungalow without the furniture and other things in it. The Sale notice was duly published in the village & Copies of it were also sent to the Amildars of the Bangalore & Kolar Taluks for Service on Mr. Reay if he could be found there, but the latter were returned unserved. On the appointed date, the Sheikdar held the Sale whereat there were no bids for S. nos. 142 and 134, and S. no. 143 (including the bungalow) was knocked down to Mr. Playfair, the highest bidder, for Rs. 2500/-. Immediately after the sale the purchaser deposited ¼th of the purchase money & paid the balance on the 9th Feb. 1900.

2. The Amildar having then sent up the papers to the Divisional officer for the confirmation of the Sale, the latter observed that the Sale should have been held by the Amildar himself & directed that the papers be resubmitted sent back to him after a

month from the date of
Sale, should there be no
~~Takkaram~~ Dispute by that time. The
Amildar reported that
although the villagers
did not care to offer
a higher bid than Rs. 250/,
Still Mr. Reay, who had been
trying to sell his bungalow
for a higher price, might
possibly take objection
on the ground that the
price was very low, and
that it would be better
if, to render the Sale un-
-objectionable & valid,
the land & the bungalow were
resold by a higher officer.
In reply, the Division officer
observed that as the Sale
of the property, which
should have been esti-
-mated at more than
Rs. 50/, was not held by
a competent officer, the
Amildar should hold the
resale taking Mr. Playfair's
highest bid at the first sale
as the first bid, & ~~the result~~
report the result. Accordingly

the Amildar issued the a notice of re-Sale fixing 18th April 1900 as the date of Sale, & it was duly published. But Mr. Playfair having complained to the Dy Commr, he sent for the records from the Amildar and after perusal thereof called upon the Amildar to explain why the Sale was not held by him when he perfectly knew that the value of the bungalow had been estimated at Rs. 150/- & that the Sheikdar was not a competent officer to Conduct the Sale. The Amildar explained that he thought that the Sale of S. nos. 134 and 142, situated close to cultivated land & inhabited parts, would fetch the small amount due by Mr. Reay, that if the Sheikdar had reported forthwith that there were no bids for the said two nos, & that he had to sell the other No. 143 Containing

the bungalow, either he (Amil-
-dar) or the Sheristadar
would have gone to the
Spot, which was one 6 miles from
Mudigere, & conducted the Sale
the same day or (on the day) the following
In observing that the explan-
nation given by the Amildar was
not wholly Satisfactory, the
Deputy Comm^r. confirmed the
first Sale on the ground that
a Sum greatly in excess of
the Govt demand & estimated
value of the property had
been realized, & that all the
rules with regard to the
issue of notices ~~of Sale~~ &
~~to the defaulter~~ had been
duly ~~carried out~~ adhered to.

3. Mr. Reay alleges that his
property in question had
been valued at Rs. 4,000/-, that
the price now realized is very
low, that he had offered
to sell the property to the
Mysore Govt, that it had
been fairly valued by the
D.P.W Assistant Engr., &
that when he came to Bangalore

he had left his ~~Bangalore~~
address with the Post office
& the Taluk Treasury at
Mudigere. The Dy Commr.
States that it is reported that
Mr. Reay did not leave his
~~Bangalore~~ address at Bangalore at the
Mudigere Taluk Treasury,
that a notice of Sale was
however sent to the Amil-
dar of Bangalore for publi-
cation, that Mr. Playfair
is willing to give up the land
& the bungalow & take back
the purchase money paid
by him, that S. nos 134 &
142 are still in Mr. Reay's
Khata, & that except the
moveables found in his
bungalow which are valued
at Rs. 56/-; there is no other
property to be proceeded
against for the arrears.
The correspondence submitted
by the Dy Commr. shows
that the bungalow had
been valued at Rs. 1000 by
the Asst Engr., Mudigere

and the Executive
Engineer Kadur
Division.

4. On a reference
to Mr. Playfair he
agreed to have the
sale cancelled but
as he had in the
meantime removed
the materials of the
house and pulled
it down, such a course
appeared to be useless
and further action
could not be taken
on account of the
absence of Mr.
Reay and his omission
to prosecute the case
and establish his
objection before the
Durbar. It is how-
-ever an irregularity
that the deputy com-
-missioner confirmed
the

the sale though it had been conducted by a Sheikdar not competent to do so but the occurrence is now past remedy. The result is to a large extent due to the omission of Mr Reay to make proper and adequate arrangement for the payment of the assessment in his absence.

5th. The Government observes that being aware as he was that Mr Reay was trying to sell his bungalow for a good price, and that his whereabouts could not be ascertained, the Amildar should have formed a proper estimate of the value of the lands and the bungalow, before ordering their sale

finally, and not only caused the sale notice to be published in the Gazette and news papers as a special case under para 2 of Rule XL of the Land Revenue Rules, but also conducted the sale himself. The Amildar did not exercise his discretion properly and issue suitable instructions to the Shirkdar, and the result was that a property valued at Rs 1000/ was given away for so low a price as Rs 250/. Under ordinary circumstances he would have rendered himself liable for this careless Conduct to degradation or even a more severe

punishment, but
as he reported the
irregularity and solicited
orders for resale which
was not however sanc-
tioned by the Deputy
Commissioner probably
because the house
would have in the
interval deteriorated)
the Government deem
it sufficient to reprimand
him severely and warn
him to be careful
in the future. The Deputy
Commissioner probably
did not notice the fact
that the house had
been once valued at Rs 100
but probably at the
time of the sale ~~at Rs 100~~
the estimate by the
Sheristadar was not
too low. An ordinary
tile building in the
Malnad ~~deteriorates~~ deteriorates

very fast and the purchaser Mr Play fair evidently bought it for the sake of the ~~contracts~~ materials.

6. It must be pointed out to the Deputy Commissioner that survey Nos 134 and 142 which were declared forfeited and put up for sale should have been, in the absence of bidders, bought in by Government for the upset price and the amount credited towards the arrears (vide para 6 of Government Proceedings No 6582-90 Rev 136 dated 2nd September 1890) and that when the order of declaration of forfeiture has not been

been cancelled and the forfeited holdings have not been restored to the defaulter, he is wrong in saying that the said two numbers are still in Mr. Reay's Khata. The order of forfeiture will now be cancelled and the lands restored to the Khatedar.

(Sd) A. T. A.
4/6/01
Secretary

To
The Deputy Commissioner
Kaira District
returning the vernacular file

& the Ex: Engr. Kadur Division.

Mr. ~~Although there was no~~
~~Serious objection in the~~
~~Sale yet the~~ Govt observe that being aware as he was that Mr. Reay was buying to sell his bungalow for a good price, & that his whereabouts could not be ascertained, the Amildar should have formed a proper estimate of the value of the lands & the bungalow before ordering their Sale finally, ~~taken~~ account
Caused the Sale notice to be published in the Gazette & news papers as a Special Case under para 2 of Rule XL of the Land Rev. Rules, bungalow
& Conducted the Sale himself. The Amildar did not exercise his ~~power of~~ discretion & exercise proper instructions to the Sheristhar, & the result was that a property valued at Rs. 1000/- was given away for so low a price as Rs. 250/- ~~for these~~ ~~he accepted, and as Mr Play-~~
~~fair has agreed to take~~

A Per a reference which Mr Reay is reported to have made to cancel the sale, he had in the meantime removed the materials of the house and pulled it down. Such a course appeared to be useless and further action could not be taken on account of the absence of Mr ~~Playfair~~ Reay and his omission to present this case and establish his right before the Darbar. It is however an irregularity that the DY Coll confirmed the sale when it had been conducted by a Sheristhar not competent to do so and the occurrence is now past remedy. The result is to a large extent due to the omission of Mr Reay to make the proper and adequate arrangement for the payment of the assessment in his absence.

2.VI.09

back the purchase money & give up the property, the Govt direct the cancellation of the sale of S. no. 143 & of the bungalow thereon, & the refund of the purchase money to Mr Playfair fresh proceedings being adopted for the recovery of the arrears due by Mr. Reay.

6. It is pointed out to the Dy Commr that S. nos. 134 and 142 which were declared forfeited & put up for sale, should have been, in the absence of bidders, bought in by Govt for the upset price & the amount credited towards the arrears, (vide para 6 of Govt Pro: no. 6582-90 / cir: 136 & 2d Sept 1890), and that he is wrong in saying that the said two nos are still in Mr Reay's Khate. No order of forfeiture will now be Cancelled & the lands restored to the Khatedar -

6. No. Amildar's [illegible] for said -

27/12/01

under ordinary circs he would have rendered himself liable for this case to be conducted in a more severe manner to deprive him of land & be reported the irregularity and solicited orders for resale which was not however sanctioned by the Dy Comr probably because the house would have in the interval determined the Govt [illegible] to reprimand him severely and warn him to be careful in the future. The Dy Comr however did not evolve the fact that the house had been valued at [illegible] & the estimate the Shekdar was below. [illegible]

when the order of declaration of forfeiture has not been Cancelled. & the forfeited holdings have not been restored to the defaulter,

28.2.01

2.VI.01

To

The Dy Commr, Kaira

returning the Ver: file.

Secretary

26/2/01

Copd 5. pds 6/6/01

REVENUE DEPARTMENT
AUG 5 1903
DIWAN'S OFFICE

190 R 497

From

J. H. Read Esqr
Gonikoppal,
South Coorg.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 1/8/02

Despatched

Received

General No. 5126

No.

Enclosure No.

Regarding the sale of his bungalow land in Nursigere Taluk by the Mysore authorities for the arrears of revenue.

Note Continued
L Rice Esq
Secretary
9/8/02

References to be marked.

5/8/02

Bathurin Bangalore
municipal matter
Kadambi Srinivasa

Municipal S. Corp
1/8/02

The Revenue Secretary
Mysore Govt.

Sir

I have the honor to place the following irregular proceedings before the Dewan & Council of the Mysore State and pray that an early redress may be given me & compensation granted me for my loss. Among the other irregular proceedings of Mysore Govt Servants. otherwise I regret to state that I will have to take action but to forward a copy of this complaint to the Govt of India & place the matter before His Excellency Viceroy of India before we learn the remarks of India I have had ~~had~~ ahead submitted the matter to the notice of the Com Resident in Mysore. Who has advised me to 1st apply to the Mysore Durbar for redress & until then, he can take no further action in the matter, see. Copy of his Memo dated 12th Feb 1901. & 23rd Oct 1900 -

I submit for the perusal of the Govt the case as communicated by the late Deputy Commissioner Kadur before his transfer or leave in England. The irregularity happened in his District by Mr D. Sparkes. now in Bangalore

I beg to state that the irregularity done by the acting D.C. Kadur at the time he did not personally visit the respective ~~Hobli~~ Amanis before ordering its sale. 2nd That he did not order the ~~Tahsildar~~ Amanis report to be called in satisfaction of the small cut of arrears of

- Which was only 3 miles from the Town of Mudigere - on the Govt Road - M

2

No. 2 [illegible] of Revenue dues &c in No. 45 —
depending the sale of the Monopoly
Property which consisted of a valuable
Building Hat Cor. one 300 ft. to Wills —
Now there was a moveable Property Com-
prised in the Deed of Sale 300 ft. on
the Premises
This moveable Property was sold by
Public auction & got for them of Revenue
amounting to Rs 45/ ab. Valued at Rs 300
for the Policy sum of Rs 300 & odd. Which
amount I required to accept pending —
the my claim for compensation — to the
moveable Property found in the house
& the authorities could [illegible] have been
sold & got in the Island of the small
cost of Rs 45/ ab. —
I wanted that I will be [illegible] Complaint
to the Collector of the Revenue &c &c
early date —

I have to have to be Sir —
Your most obedient Servant
J. F. Leyland Esq.
Collector of Police in the Inquiry Tribe
Revenue District

(4) My Claim for Rs 3900 including Buildings,
Office Lands, Rent Lands & moveable Property
that I am prepared to accept a Compensa-
tion according to the Value of the Building.
which was estimated at least 3000 & Cost
one more — but I only open to this — for
order for Compensation is granted me —
I am — J. Hill

Mudigere Taluk

S Coorg 1-8-02

(11)

To The Revenue Secretary
Mysore Government

From J. L. Aylard Esqr, Superintendent Coffee Plants.
Mudigere Taluk. Headquarters, now Residing in S. Coorg
& Dated 30th July 1902

Subject

The Petitioner states that he purchased from the Mysore Govt. in the year 1894 three Survey Nos 142 - 134 - 143. in the Mudigere Taluk Jagalkonie Grama & Chargé price of Rs 138 for the name of his daughter Mary Middleton Aylard (Minor) in the same Grama & which land adjoins Survey Nos 142 - 143 & 134 - belonging to Petitioner. Who subsequently finding that Survey Nos 142 & 143 & 134 were unsuitable for planting Coffee & could Journals only under the Dry Land Concession. he applied to the Acting D. C. Kadur District for a conversion of Concession to dry land Rate instead of Coffee Land Rates. as he found the land unsuitable for Coffee Growing. This Application was undisposed of on account of the D. C. Kadur (Mr B Lewis) going on leave in England. Meanwhile Petitioner fell very ill & was Advised to leave his Property in Mudigere Taluk & go to Bangalore. Where he had some property in C. M. Station. Contemplating with his Property in the Kadur District Before leaving Mudigere he acquainted the Shirastadar with his Bangalow address & Requested the Head Master Principal to forward all Letters to his address at Bangalore. On Survey No. 142 - Jagalkonie - Grama - Petitioner had built a pucka brick Bungalow with dressed stone foundations & topped the bungalow with Country tiles & Mangalore Tiles. Costing in all about Rs 3000/- Duches Jamabandi the Chief Officer of the Revenue Jurisdiction - Queen Anne - Petitioner for Minor - Rose - School Class 3rd Report. Which was movable Property in the Building erected on Survey No. 142 - by Petitioner.

On leaving this Hospital, Mohamed Abdul the
Kep to a confidential Hindu living near
named Nanja Gunda son of Cunnia Gunda of
Konigundy - whom he had befriended on many
occasions & requested him to have the Mare
surveyed once a week & left me pair of black
playing bullocks. which on 3d & cancelled Cooly
Coal. Which was delivered & Hassan made over
to the Warder of the house & Che 20 of bullocks
of Stain & 101 Coal in Cumbum Cadavan. to keep
the wagon any occasion &c

On his departure to Bangalore the Relations
duly paid into the Police Treasury one years
assessment on of the two Houses due on the former
Survey No which receipt was duly forwarded to
Bangalore by the Sheristadar of the Police
& requested the Rent for one year & be
kept in abeyance until the arrival of the S. C.
of Madras who was on leave in England.
About six months after Relations had left the
Police he by mere accident heard that
the Survey No 142 & his daughters land the
Survey No 138 with the Manorah Property
on the land had been put up to auction for
arrears of Revenue due thereon to the 45 & sold.
for the paltry sum of 224 in satisfaction of
arrears of Kandayam & that the Manorah
Property Cornets of Furniture &c had been
handed over to the Police Peon of the Village
& thrown out in his compound. which I of
course thought extraordinary proceedings in
my Manorah Property & I wrote to the Police
& my Manorah Property which of course
Public Auction could have easily covered the
arrears of Revenue due & more to the 45
I wrote to the S. C. Madras on the matter.
& he very just did I had heard
& said that he had made enquiries about
my Furniture & that the Amildar of
Madigue in fact him that it had been
given into the charge of the Police

Amilda J Medicine. Who knows him not the
value of the furniture caused the arrears of taxes due and.
After this I had suddenly to leave Bangalore
for Central Provinces to join an appointment in
Famine as Famine Assistant to D.C. Chanda
temporary. From there I sent to the Resident in
Mysore a Declaration of his right to sue) a re-
Complaint against the Local authorities in the Kadur
District.. The Petitioner in 1901 joined an appoint-
ment in Coorg on his return from temporary famine duty
in C.P. & from there again addressed the Resident in
Mysore & beg to enclose his reply —
the Petitioner also begs to enclose copy of letter from
D.C. Kadur District dated April 1-1901- stating
that there was no movable property on the premises
in Survey No 142 Jagatkonie when the movable property
was sold by the acting D.C. Kadur District for arrears
of Revenue due upon it — which could easily
have been cleared by the sale of the furniture & you
The Petitioner in these proceedings therefore the sale
of the movable property 142 with Personal-
Buildings & the sale of his daughters wedding
Survey No 138 & have been unlawfully hypothecated
in the hand of the acting D.C. Kadur during the
absence of the Personal D.C. Mr D. Sparkes.
who was well acquainted with the District &
personally knew this property & can verify
my statement as to the value of same his Comp
& Petitioner prays that Compensation may be
granted him early —
The acting D.C. plea is that every attempt was made
to find the whereabouts of the Petitioner but failed.
This is only an excuse as the Sheristadar & the
Post master knew address in Bangalore & any
communication forwarded me by Post I shall
handsomely award — I await to justice notice
of the sale of my movable property in
Kadur which only by chance heard about — but

movable property there was
nothing which can be found to be

by the Hon'ble Bangalore Chamber of Commerce
by address - in C.P. & addressed all letters to us
& addressed to me -
The Secretary & Madigue well known
Petitioners address but may not have joined the
acting D.C. who knew nothing about the Impost
Measure as to the Value of the immovable
Property can be ascertained - as in 96.
The Property was surveyed & value obtained
by the P.W. Engineer. & it was signed by -
Petitioners - to GOM as a Travellers Bungalow
& also to the Forest Department Engineer - as a -
Forest Lodge - which becomes GOM will
pay - & refunded at his own

(1) Was the procedure of the acting Deputy Commissioner
Engineer contract Justifiable, in selling the immovable
Property referred to his own when there was
immovable Property in the Peninsula which if sold
would have caused the greatest Injury
by he recommended by Me -

(2) Why did not the acting D.C. personally inspect the
Property or make full enquiries - before ordering
the sale -

(3) Why was not - the Petitioners Memorandum addressed for
in the Public Newspapers - Why was not the sale
of the Property gazetted in the GOM Gazette
under the Special Circumstances viz - Landlord -
absent Memorandum not known - European Estate
Subject the property had been to his latest

4 Do thus the encouragement - given to European
Proprietors to invest their Capital in the
Mysore State in their mutual benefit - to be
treated like this - put to great loss - because
they happened to be away from their Property - &
because their happened to be a small amount
of Rent due on the Land - under 50 - when the
immovable Property which consisted of Lands but
Planted Brick Buildings - Furniture which
by the Amildar
on the Land

5- Why Ex the Munro land- Mary Middleton
Reap. " adopted daughter of the Petitioner "
as well as the Immoveable Property of the Petitioner
& sold- without Consent- viz Survey No 138 Wet land-
Shuly the Petitioner chose her guardian & had
always paid the Tax on the Land on her behalf-
shall Law have committed. This piece of Wet-
land- Survey No 138 Jogakeni- alone cost the Petitioner
Rs 300/- which he presented to his adopted
daughter- in 1892.

The Purchaser- in 908 Pellicandan- of three
Lands- Viz Paddy No 142-134 who only paid Rs 224 for the same- fearing
that there will be complaint for me about the matter
immediately- pulled down the house & fences &
sold all the Tiles & Timber, door frames- window
frames- for about Rs 600 & left only the bare
walls. This Building is as it was at the time it
has been pulled down - by the Purchaser. Thus-
also purchased the Minor wet land Survey No 138
included in above amount- Rs 224 for 908. in another sale for
amount of Rs 1000

I Complained to my Justice- General Respt. Retired
now residing London. about this injustice done
me & he sent to the Resident in Mysore about-
the matter who informed the General that he could
take no action until the Mysore Durbar had
requested to compensate.

I then went to my cousin. D.A.A.G. Madras.
Command- Major E. Reap- who advised me
to apply strongly to the Resident about the
matter as there must have been some mistake
I pray that my loss may be compensated in all-
Rs 3600 for the immoveable property & Rs 300/- for the

J. F. Leyland Reap
the Petitioner - his mark

I hereby certify that
is by myself

True Copy ack.
J.T.R.

No 5269

Enclo 26

From.

The 1st Assistant to the Resident
in Mysore

To.

J. T. Reay Esqre (JTR)
Famine Assistant
Chanda
Central Provinces.

dated Bangalore 23. Oct. 1900 -

Sir

I am directed to acknowledge the
receipt of your letter of the 10th instant re-
porting the sale of the Mysore Authority
Co Bungalow erected by you and Rs 400/
for Rs 200/- on account of arrears of
Revenue (Rs 40) due by you
The Resident is enquiring into the matter
I have the honour to be.
Sir
Your most Obedient Servant.
signed - J Stubbs.
1st Assistant Resident

Entd
9/1/01

1900 - 01 -

6

Fair Copy
J. L. Reay

From. The Dy Commissioner.
Kadur District.

To. J. L. Reay Esqr
11 Boreham Rd -
Benson Town
Bangalore.

Dated April 1-1901.

General No. 1365 Indexed

Sir In reply to your letter of the 15 March 1901. I have the honor to forward herewith a list of articles received from the Madigere Club. Amildar The Amildar reports that the articles were formerly entrusted at his Office but that they may not now fetch more than Rs 26/10 as they are not now in good condition. He is further reported that Sum of Rs 11- 2- 6 is due by you on account of arrears of Kandayam.

I have the honor to be
Sir
Your Most Obedient Servant -
Signed H. Sparkes
Dy Commissioner
Kadur District

Mark from J. L. Reay. Does not this entitle him to the arrears of rent due by the Amildar. Himself states that as the Amildar's Office Report to the Amildar. J. L. Reay

No 695

Rec 16 Dec

True Copy with J. Rees

From The First Assistant to the Resident in Mysore

To J. Rees Esqr (J 71)

Principal

South Cong

Dated Bangalore 12 Feb. 1801

Sir

In reply to your letter dated 30 January ult. regarding the sale of your bungalow and land situated in Mudigere by the Mysore Authorities for arrears of Revenue. I am directed to say that the Resident can take no further action in the case & until you refer the matter for the orders of the Mysore Government.

I have the honor to be Sir
Your most obedient Servant
J Webb.
First Assistant Resident

OFFICE OF THE DEWAN OF MYSORE
Regd No. 3127
19 SEP 1902

1901-2 Cy 1063

From THE FIRST ASSISTANT TO THE HON'BLE THE RESIDENT IN MYSORE.

REVENUE DEPARTMENT
DEWAN'S OFFICE

To

THE DEWAN OF MYSORE.

S 127

Dated 13.9.02

Despatched

Received

General No. 5022
No.

Enclosure No.

Regarding the sale of a Cunigalan belonging to Mr. J. J. L. Reay on acco of arrears of Land Revenue due by him.

Resale

Avail

Final

Forests & Cos

References to be marked.

Rev.

Recd 5.40 PM 19.9.02

MGCPB—2,000-30.7-01.

No. 5022 Rec'd 13/9/02

From

C. L. S. RUSSELL, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 13-9-1902

Sir,

I am directed to invite a reference to letter, No.5142-R.1737, dated the 9th January 1901 from the Secretary to the Government of Mysore, General and Revenue Departments, furnishing information in connection with the sale of a bungalow belonging to Mr. J.F.L.Reay on account of arrears of land revenue due by him.

2. The Resident will be glad to know what further action has been taken in the matter. Mr. Reay has informed Colonel Robertson that he addressed the Dai on the subject on the 23rd July 1902, but that he has not yet been favoured with a reply.

I have the honour to be,
Sir,
Your most obedient servant,

for First Assistant Resident

D R487

198 D. 25th for adpt.

Endorsement granted to

M/s F. L. Reay, Gonikoppal, S. Coorg

in reply to his Petition dated 1st

August 1902; praying for the grant

of Compensation on account of the

loss sustained by him by the sale

of his bungalow situated on S. no:

143 and of the wet land, S. no: 138, of

the Jogamanakeri village,

Mudgere Taluk for arrears of

Revenue.

—— o ——

Petitioner is informed that

the property was sold on the

25th Jan'y 1900 and was confirmed

by the Dy: Coms; Kadur, on the

29th March 1900. Within the

30 days allowed by Sec: 184 of

the Mysore Land Rev: Code,

D R1174 9/4/02

R. 733-1900 17

the petitioner did not apply
to get it set aside on the
ground of any material
irregularity or mistake or fraud.
In concurring with the opinion
of the Dy: Coml; Kadur, that the
sale was regularly conducted,
Govt: consider that the orders
already passed in Lr Pro: No:
97958 7.6.01 were quite legal
R.7.33-00
& justified. ~~under S 184 of the~~
impose ~~L.R. Code~~. In these
circumstances, Govt: are not liable
to pay damages to the applicant
by reason of the sale of the
Bungalow. Enquiries will, however,
be made in regard to the sale
of wet land S. No 138 for arrears
of Revenue now brought to the notice

of Govt.

By order.

11/9/02 - 13/9

Secretary.

No K 1175 - 3 17/9/02

R.J 33-1900 V 17

3129

Copy of the above is forwarded to the Dy: Coll: Kadur, for a full report regarding the sale for arrears of wet land S. no: 138 in the Jogannanakere village in the Mudgere Taluk.

Submitted
K.S
10/9/02.

By order
Secretary

11/9/02

5(3D)

To,

The First Aplt to the
Hon'ble the Resdt.
in Mysore.

No R 1246
R 733-1900 — 22/9/02
2D

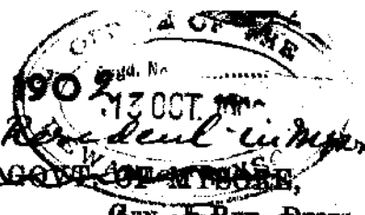
Sir, Yr

In reply to your letter
No. 5022 dated 13th Sept
1902 enquiring what further action
has been taken in the
matter connected with the
sale of a bungalow be-
-longing to Mr J. F. L. Reay
on account of arrears of
land revenue due by him,
I am directed to forward
herewith ~~a Copy of the~~
~~Endorsement passed~~
~~by Mr Reay~~, for the in-
-formation of the Hon'ble
the Resident in Mysore.
a Copy Mr Endt issued
to Mr Reay I have

H
20/9/02

Secy

H.A. 2017

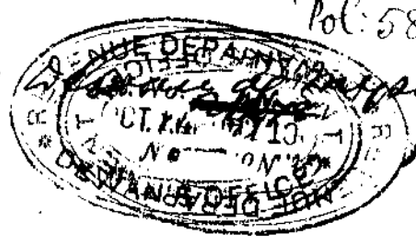


From The J. A. Resident-in Myora
~~SECY. TO THE GOVT. OF AUSTRALIA,~~
~~GEN. & REV. DEPTS.~~

5131 ✓

W

Pol: 582.



To The [illegible]

P 1342

Dated 8. 10. 02

Despatched

Received

General No. 5606
No.

Enclosure No.

Requesting to be informed whether the facts summarised from Mr Reay's statements as regards the sale of his bungalow for arrears of Land Revenue are accurate, and if not, to be furnished with a clear and full statement of all the circumstances of the case.

Urgent

The file has been sent to my office as required by wire sent him at once - to day to S Sam Mosley at Thursday Is

11 13/10/0.

Rec'd

No. 5606

Please send a file note overleaf

10.X.02

From

R. C. H. MOSS KING, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 8th October 1902.

Sir,

I am directed to acknowledge the receipt of letter, No.R.1246/R.F.33-1900, dated the 22nd September 1902 from the Secretary to the Government of Mysore, General and Revenue Departments, forwarding a copy of an endorsement granted to Mr. F.L. Reay in which he has been informed that the Darbar are not liable to pay damages to him by reason of the sale of his bungalow for arrears of land revenue.

2. Mr. Reay has represented to the Resident that, during his absence from his estate and without any notice being given to him, the Darbar, in order to recover arrears of land revenue amounting to only ₹40/-, sold for ₹200/- his house and lands in the Kadur district valued by Mr.Reay

at

at ₹5,000/-. He alleges that the sale of some moveable property in the house or of the wet land alone would have sufficed to cover the arrears in full.

3. He further states that the house was valued at ₹4,000/- and offered to the Darbar for that amount to be utilized as a rest house, and that it was inspected and valued by the Assistant Engineer, Kadur district, under the orders of the Darbar. The building is reported to have been dismantled by the purchaser and the materials sold.

4. Colonel Robertson will be glad to know whether these facts as above summarised from Mr. Reay's statements are accurate, and if not, to be furnished with a clear and full statement of all the circumstances of the case at your early convenience.

I have the honour to be,

Sir,

your most obedient servant,

First Assistant Resident.

VS.

R14 5-5-S132

1902-1903

Z

REVENUE & AGRICULTURE
61.10
RDEW

From
The Deputy Commissioner
of Madura

To
The Secretary to the Govt
of Mysore
General & Revenue Depts

S1367

Dated 21st October 1902.
Despatched
Received

General No. 229
No.

Enclosure No. nos: papers

Re fowling re the sale for
arrears of revenue of survey
No 138 in the Jagannathapuram
village of the Tirumangalam taluk

Rct
2
23.10.02

The reports were submitted
per Connection on 24/10/02
with RC No R 1342 of 8/10/02
from the Vth Asst Collr

25/10/02

Subject
25/10 (illegible)

Filed
15/11

K.S. 15/11 note contd
K.S. 11/11/02

Chikmagalur, 21st October 1902.

From

B. S. Krishna Iyengar Esq
Deputy Commissioner
Kadur District

To

A. V. Nanjundayya Esq M.A., B.L
Secretary to the Govt. of Mysore
Gen. & Rev. Departments.

Sir,

Adverting to your Memo: No. R1175 / R.F. 33-00 of the 17th September 1902 calling for a report regarding the sale for arrears of revenue of S. No. 138 in the Jogannavakere village of the Mudgere Taluk, I have the honor to report as follows:—

1. Miss Mary Middleton Reay fell into arrears of Kandayam amounting to Rs 21.8.0 due for 1898-99 on her lands in the Jogannavakere village. The usual notice of demand was issued and served on the land as the defaulter's whereabouts were unknown. Wet land bearing S. No. 138 measuring 5 acres 9 guntas and assessed at Rs 20/, on which the

22.9.99.

8.10.99

20.1899 arrears were due, was declared to be forfeited to Government for the realization of arrears due to Government, and was advertised for sale to be held on the 30th November 1899. The sale notice was duly published but it could not be served on the defaulter owing to her whereabouts being unknown. On the date fixed for sale, viz: 30th November 1899, the Sheikdar put up the land to auction, but as the people present represented that they could not stop and attend the sale as they had to go to Gonibid village that day on account of Car festival, the Sheikdar adjourned the sale to the next day, i.e, 1st December 1899, and notified the same to those present. On the adjourned date, the Sheikdar conducted the sale at which the land S. No. 138 was knocked down for Rs 2/- to the highest bidder, Joseph Fernandez. The sale, on being reported by the Sheikdar to the Taluk Office, Mr. B. C. Keshaviah, the then Amildar, directed a recovery of the arrears had

not been fully realised, and the land sold being wet land there would probably be bidders for a higher amount. The sale notices were duly published and owing 16.12.99.
to the reasons above mentioned, the sale notice could not be served on the defaulter.

On the date fixed, viz: 25th January 1900, the Sheristdar held the sale and S. No. 138 was purchased by Mr. E. R. Playfair for Rs 25/- who paid the 25 p.c. and balance of the purchase money in time. 7.2.00.

2. The Amildar in submitting the sale records to the Assistant Commissioner reported that the sale had been regularly held. Mr. C. Venkata Rao, Assistant Commissioner then in charge of the Taluk, confirmed it on 21.2.1900. (Ex. 16 Reverse).

3. The Vernacular correspondence bearing on the subject, is herewith forwarded for perusal and obliging return.

I have the honor to be,

Sir,

Your most obdt. Servant,

K Ramamurthi

For Dy Commissioner

Kadur District

Amt

To.

The 1st Asst to the Hon'ble
the Resident in Mysore.

No

Date.

Sir,

In reply to your letter No 5606 dated 8th October 1902, I am directed to state that the circumstances under which Mr F.L. Reay's land and bungalow in the Mudgere Taluk were sold for arrears of revenue, were as follows:—

The Kandayam due for 1898.99 on the lands of Mr Reay in the Jogannanakere village, Mudgere Taluk, having fallen in arrears, a demand notice was issued by the Amildar for the amount on the 22nd September 1899. As Mr Reay was absent from the village and his address was not known to

the

the authorities, the notice was affixed to the lands on the 29th Idem; and on the 5th October 1899, the lands as noted in the margin were distrained attached. On the 20th October 1899, the lands were declared forfeited under Section 54 of the Land Revenue Code and a sale notice was issued. But as the villagers wanted further information regarding the property to be sold, a fresh sale notice was issued fixing the 25th January 1900, as the date of sale. The notice was not only published in the village but also copies of it were sent to the Bangalore and Kolar Talukas for service on the Ryot, if he could be found there, but both of them were returned unserved. The sale was conducted on the date and Survey No 143 including

as per Rule XXXV of the New Rev Rules in force.

S. No.	Extent A. G.	Assessment Rs.
134 (coffee)	3-30	6-0-0
142 "	2-35	4 8 0
143 ⊗ "	5-14	8-0-0

⊗ containing a bungalow and some mango trees.

This is not the proper expression to use.

V. R.

It ought to be attached!

Why should his nationality and race be mentioned here?

V Rm

There was no enquiry - Price attached. If may be omitted. H

I think it would be satisfactory especially in view of the Hon'ble the Resident's call for a full reply, if a copy of the office note was sent to him.

V Rm

the bungalow was purchased by Mr Playfair, a neighbouring European planter, for Rs 250, which was the highest bid. There were no offers for the other two lands. The Asst Comr in charge of the Taluk, having, on the recommendation of the Amildar, ordered a resale of the property, Mr Playfair complained to the Dy Comr, (Mr Carr), who after satisfying himself that all the rules with regard to the issue of notices had been adhered to, confirmed the sale on the 29th March 1900.

2. In October 1900, Mr Ray represented to the Hon'ble the Resident that his property worth Rs 4000/= was sold for a small arrear of tax, that he had intimated his address to the Post Office and Taluk Treasury at Mudgu

and that his bungalow had been once ~~was~~ valued ~~estimated~~ by the Asst Engr, Mudgere. Kadur. This was communicated to the Durbar, who made enquiries and ascertained the facts set forth in the preceding para and also that the bungalow was estimated at Rs 1000/- in 1898 by the Asst Engr, Mudgere and the Executive Engr, Kadur Dn, that Mr Reay had not left his address at the Mudgere Taluk, as alleged by him and that Mr Playfair was willing to give back the land & bungalow, if the money paid by him was returned. But as Mr Playfair had ~~removed~~ pulled down the bungalow and removed the materials, it was not possible for the Darbar to restore matters to their old state, nor could they take any further action

Please give the date of the Durbar's note.
V Grs

in

in the matter on account of the absence of Mr Reay and his omission to prosecute his case and establish his objection before the Darbar. Sur: Nos 134 and 142 which were declared forfeited, were, however, ordered to be restored to the Khatedar.

date?

3. It may be granted that some loss has been sustained by Mr Reay, though he has greatly exaggerated it. The building was estimated at Rs 1000/- in 1898 and it must have been worth much less at the date of sale, as an untenanted building in the Malnad deteriorates very fast. A forced sale for arrears of revenue will never bring the price secured by private negotiation, and the prices

There is no doubt that loss has been sustained by Mr Reay altho' his estimate is pitched too high.
V My.

Omit this

These will read like platitudes

prices realised at the time cannot be considered to be more inadequate than what any other property in such sales would usually fetch. It will thus be seen that the loss complained of by Mr Reay was due to his own neglect to make proper arrangements for the payment of the Kandayam, and the consequent operation of the local revenue law. He also failed to represent his grievance in time to enable the Darbar to give him relief. The Darbar regret that as matters stand at present, it is not possible for them to help Mr Reay in any way.

V
23/10/02

Secretary

To

The 1st Asst. to the Hon'ble

The Resident in Mysore.

No. R 1973 R.F. 33-1900-1.

Dat.. 4/11/02

Sir,

In reply to your letter No.5606 dated 8th October 1902, calling for a statement of circumstances under which Mr.F.L.Reay's land and bungalow in the Mudgere Taluk were sold for arrears of revenue, I am directed to state as follows :-

(1) The Kandayam due for the year 1898-99 on the lands of Mr.Reay in Jogannanakere village, Mudgere Taluk having fallen into arrears, a notice of demand for Rs.19-14-6 was issued by the Amildar on the 22nd September 1899. As Mr.Reay was absent from the village and his address and whereabouts were not known to the local authorities, and as all attempts to communicate with Mr. Reay proved fruitless, the notice was affixed to the land on the 29th September 1899 as per rules. On the 5th October 1899, the lands noted in the margin on which arrears were due were attached and on the 20th Idem, the Amildar issued the declaration of forfeiture under section 54 of the Land Revenue Code,

Sur. No.	Extent. A - G	Asst. Rs. A. P.
134(Coffee)	3 - 30	6 -0-0
142 -do-	2 - 35	4-8-0
*143 -do-	5 - 14	8 -0-0.

*Containing a bungalow and some mango trees.

and a sale notice was issued and duly published. The sale was conducted on the 25th January 1900. There were no offers for lands Survey Nos.134 and 143. Consequently, land Survey No.143 with the bungalow on it was put up for sale and was purchased by one Mr.Playfair for Rs.250/-. The Assistant Comr. in charge of the Taluk, having, on the recommendation of the Amildar, ordered a resale of the property, Mr.Playfair complained to the Deputy Commissioner, who after satisfying himself that the procedure laid down in regard to the issue of notices had been adhered to, /f/f/ confirmed the sale on the 29th March 1900.

(2) It is true that the money realised by the sale of only the movable property in the house, which is estimated at Rs.56/-, would have sufficed to cover the arrears in full. But the ~~Mysore Rules are imperative that the land on which arrears are due should be sold in the first instance~~.

sale of the forfeited holding which is given priority in such cases of defaulters is quite in accordance with the new rules.

Regarding the land Sur.No.138, the sale of which was only recently brought to the notice of Government, enquiries are being made by the Dy. Comr. and a report is awaited from the Dy. Comr., Kadur District.

(3) The bungalow in question was valued at Rs.1,000/- in 1893 by the Asst. Engineer, Hudgere, and the Ex.

Ex. Magistrate, Kadur Division. Mr.Playfair, the purchaser of the bungalow, removed the materials of the building about June 1900, and the building itself seems to have come down during the monsoon of the year.

There is no doubt that loss has been sustained by Mr.Reay, although his estimate of it is pitched too high. A forced sale for arrears of revenue will never bring the price secured by private negotiation. The loss complained of by Mr.Reay was due to his own neglect to make proper arrangements for the payment of the Kandayam, and the consequent operation of the local revenue law. He also failed to represent his grievances in time, i.e., within the time allowed for appeals, to enable the Durbar to give him relief.

I have etc.

31.X.02

31/10/02

Secretary.

1902

From

Mr J. A. Resident-

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 15. 11. 02

Despatched

Received

General No. 6460
No.

Enclosure No.

Stating that in connection with the sale of Mr. D. L. Reay's land & Bungalow for arrears of revenue, it would be satisfactory if the Durbar would now admit an appeal and allow the case to be argued and decided.

References to be marked.

Rev.

No. 6456

Rec'd 15/11/02 Dwn 7

Re. 16.11.02 7271

FROM

R. C. H. MOSS KING, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore

Dated Bangalore, 15th November 1902.

SIR,

I am directed to acknowledge the receipt of Mr. Ranjindayya's letter No. K 1973/K.7.33-1900 dated the 4th November 1902, explaining the circumstances under which Mr. T. L. Reay's land and Bungalow were sold for arrears of revenue.

2. In reply I am to state that in the opinion of the Resident, the case being admittedly one involving some hardship to Mr. Reay, it would be satisfactory if the Durbar would now admit an appeal and allow the

the case to be argued and decided.

I have the honor, to be,

Sir,

your most obedient Servant

R Ellery

First Assistant Resident.

Genl. No. 6048. 4 3 0 A

1902 & 1 3 0

From

J. A. Resident-
in Mysore

Pol. 877

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 26. 11. 02

Despatched

Received

DUE DEPT. STATE
Gl. No.
H.C.I - 1903
No 2085
DEWAN'S OFFICE

General No. 6724
No.

Pol 464

Enclosure No.

Forwarding copy of letter dated the 17th Nov. 02, from Mr J. F. L. Reay to the Resident in Mysore, regarding the sale of his property for arrears of Revenue due by him.

X X

References to be marked.

Rev.

Rect 27/11/02 Hill 7545
R 27.11.02 9th
Letter dated the 17th November 1902
from Mr J.A.L. Reay to the Resident in Mysore

I have the honour to enclose
you a copy notice sent to me by the
Deputy Commissioner Kadur District dated
Chickmaglur 5th November 1902 calling
upon me to accept Rs 216 as the full
amount due me on the sale of Mr
Ubchur Property Mudigere on Survey
No 143 X Joganmanakere consisting of
Puckah built bungalow furniture etc
valued by me at Rs 5000/ This sale was
irregular. No notification of the date
of the sale was sent me and it was sold
by Mysore Government during my absence
from the District for the paltry sum of
Rs 250/ for arrears of revenue of only
Rs 33-1-9. The immoveable property was

X 143. There were other Survey Nos. belonging to me in the same block not containing permanent Buildings which the Mysore Govt could have seized and sold in satisfaction of Rs. 33/ but why was the survey No. seized containing the buildings and the other Survey nos. left alone.

was Sold, when the moveable property in the premises consisting of furniture could have been sold to realize the Arrears of revenue and which the Parpathegar or Amildar of Mudigere admits in his letter to Deputy Commissioner Kadur to have been found in the premises and handed over to the Police Patil of the Village and have since deteriated. I pray that you will see justice done my claim by the Mysore Durbar as British Resident in Mysore I am a European British Subject and held lands under the protection of a native State (assisted by a British Resident). My land and puckah built bungalow were sold without notice to me during my absence from my house in Mudige valued at Rs5000/- for the paltry Sum of Rs250/- for arrears of Revenue of only Rs33-1-9

due

due by me.

If I do not hear from the Mysore Durbar by the end of November I will be compelled to lay the complaint against the Government of Mysore before the Government of India for redress. As I consider it a great injustice done to a British subject in a Foreign State and I pray you Sir. as British Resident in Mysore to call upon the Mysore Government for redress or for a bonus to be given me for my great loss.

No 6724
Encl

The Residents office
Dated 26 November 1902

Copy of the foregoing letter with a copy of its enclosure is forwarded to the Dewan of Mysore in continuation of this

Office

Office letter No 6456 dated the 15th November 1902.

1st Assistant Resident.

RA

Rev 1635

N O T I C E.

As a sum of Rs.216-14-3 being the excess sale proceeds of 1 to 143 of the Joganannakere village in the Mudigere Taluk which stood in the name of Mr. J.P.L. Reay and which was sold for Rs.250/- for the recovery of the arrears of Revenue viz.L.33-1-9 due by him to Government is in deposit unclaimed in the Mudigere Taluk Treasury. Notice is hereby given that if Mr. Reay fails to take necessary steps to receive the said amount with in the end of November 1902 it will be credited to Government.

Chickmagalore.
5th November 1902.

Signdd/
Deputy Commissioner.
Kadur District.

"Copy"
Huliyaravelu
Hd clerk
for Registrar.

No Pet-1157/8 (1359/1902)

Letter from

S/1356

dy 6/2/1903

~~NOTICE.~~

To

Mr J. F. L. Reay, residing at No 11 Borebank Road, Benson Town, C & M. Station, Bangalore.

Sir,

~~The appeal petition filed by~~ Your complaint Concerning ~~of~~ ~~against~~ the sale of your bungalow & lands in the Jogamanakere village Midgere Taluk, for realising the arrears of land revenue due from you ——— will be taken up for ~~heard~~ hearing

~~against the decision of~~ Considered at the Public Office at 2 PM

~~heard~~ on Saturday the 7th day of February 1903, ~~at the~~ ~~Public Offices~~. when you may appear to represent your case personally ~~or by the Recognized Agent~~ before the Members of Council.

~~Yours~~

You are ~~warned~~ to appear ~~in person or by recognized Pleader or Advocate~~, I have the honour to be &c

By Order,

5/2

OFFICE OF THE DEWAN OF MYSORE,
Dated 5/ 189 .

M
Secretary.
5/2/03

Central Jail Press, Bangalore.—20-7-99.—202.

Read again -

G.O.No.3795-R.F.33-1900 dated 7th June 1901, observing that in the matter of the sale for arrears of revenue of the lands and bungalow of Mr.J.F.L.Reay, situated in the Mudgere Taluk, no action could be taken by Government by way of giving any relief to Mr.Reay and that the sale in question was due to the omission of Mr.Reay to make proper arrangements for the payment of assessment during his absence.

Read -

Correspondence ending with Memo No.6724 dated 26th November 1902 from the 1st Assistant to the Hon'ble the Residemt in Mysore, forwarding copy of petition dated 17th November 1902 from Mr.Reay, and stating that in the opinion of the Hon'ble the Resident, the case of Mr.Reay being one involving some hardship to Mr.Reay, it would be satisfactory if the Darbar would admit an appeal and allow the case to be argued and decided.

Order thereon

The facts of the case are fully stated in the order read above.

2. Mr.Reay was given an opportun

of representing his case and was heard on 7th February 1903, before the two Members of Council.

3. Mr.Reay's petition of ~~5th~~ 1st August 1902 relates to two items of property, viz., (1) Land, Survey No.143, with a bungalow on it, and (2) Wet land, Survey No.138.

4. The former stood in Mr.Reay's name along with two other lands Nos.142 and 134, and the latter in that of his minor daughter Mary Middleton Reay. On account of arrears of revenue due, separate proceedings were taken in respect of each of these items. Mr.Reay's petition in so far as the first claim is concerned was rejected by Government in their endorsement No.R 1174 - R.F.33-1900 dated the 17th September 1902, and a further report was called for from the Deputy Commissioner as regards item No.2. That report has since been received. It shows that after due observance of the prescribed formalities the said second item was finally sold on 25th January 1900 and that the sale was duly confirmed on the 21st February following. There were no irregularities of any kind in connection with that sale ; and there are therefore no grounds for interference. This order disposes of the rest of the petition.

5. The next point for consideration is whether the order of 17th September 1902 rejecting the claim concerning compensation asked for by Mr.Reay on account of the

sale of land No. 143 with the bungalow thereon ~~shall~~ should be reconsidered. After viewing all the facts and circumstances in the light of the personal representation made by the ~~claimant~~ Petitioner, Government have come to the conclusion that ~~though as already observed, the case is one of hardship,~~ he has clearly no ~~legal~~ claim on the State for compensation for the loss he has suffered. ~~The sale by the Sekdar was no doubt contrary to the Rev. Rules and the Deputy Commissioner would, as matters have turned out, have exercised a wise discretion in cancelling it.~~ But the irregularity ~~would~~ would not vitiate the sale unless accompanied by substantial damage, and the Deputy Commissioner with all the facts before him, deliberately found that the price realised was ~~quite~~ fair. It cannot be held that his conclusion was unreasonable, when it is taken into consideration that the bungalow was valued at only Rs.1000 in 1898 by the D.P.W. and was even then in a neglected condition and out of repair, some of the walls having given way, and that it was sold two years afterwards, during which period it was neglected still further and was subjected to the deteriorating influence of two successive monsoons in a Mal-

nad tract.

6. The objections raised on the score of want of notice and the smallness of the Government demand are not valid for obvious reasons.

7. When the matter came up before Government on the previous occasion, they, ascertaining that Mr.Playfair, the purchaser of Mr.Reay's property, consented to have the sale set aside, were willing to take advantage of the only chance which afforded itself for restoring the old order of things; but such a course was found impossible as the materials of the bungalow ha[redacted]een removed by Mr.Playfair, who evidently did so in order to save them from being lost during the monsoon.

8. The ~~claimant has not only grossly exaggerated his loss but~~ petitioner has put himself completely out of court by making no arrangements to pay his arrears, and by failing to entrust his property to any agent empowered to act for him in his absence. He has also not substantiated his allegation that he had left his address in Bangalore with the Taluk Sheristadar; and his contention that the moveables in the bungalow should have been first distrained and sold is untenable. In the circumstances, compensation is out of the question and Mr.Reay's claim is therefore rejected.

Secretary

7/3/03.

To

The Revenue Commissioner in Mysore.

0621

10.III.03

D ✓ SA 309

No. R 3653 ✓
RA 33-1903

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT,

The 17-3-1903

ENDORSEMENT GRANTED TO Mr J. F. L. Reay

In reply to his Petition ~~Registered No.~~ dated dated, respectively, 1. 8. 02 and 17. 11. 02 (
letter forwarded by the 1st Asst to the Hon'ble the Resident in Mysore
with his No 67/25 dt 26. 11. 02) complaining against the sale, for arrears of
revenue, of Sun No 138, in the Jogiannanakere village, Mudagere Taluk,
stood in the Khata of his minor daughter Mary Middleton Reay, and
claiming compensation for the loss sustained in consequence of
the, also for arrears of revenue, of his land & bungalow, situated
same village.

Petitioner is informed that Govt have found no grou
interfere with the sale of Sun No 138, as there were no i
gularities of any kind in connection therewith, and have
so rejected his claim for compensation, which is out o
estion, inasmuch as he has put himself completely o
unt by making no arrangements to pay his arrears
failing to entrust his property to any agent empow
t for him in his absence, & has not substantiated
ation that he had left his address in Bangalore
Sheristadar; and his contention that the moveab
ungalow should have been first distrained & so
ble.

W. D. 972—GPB—1,000

G. R. S. 29A]

1917. 544

From

~~The PERCIVAL ATLEE, Esqr, Madras~~
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Genl. ~~Revenue~~ Dept

To

The Dy. Comr.
Kadur

Dated
Despatched 10.8.917
Received
General No. 1789.
No.
Enclosure No. one file

Has the honour to
return herewith ~~the~~
of vernacular papers
with his no. 229
re the sale lands
to Md. J. D. Reay, Coffee
Planter in the Kadur
Taluk & to request
acknowledgment

Copied 13/8/17

Office of the Deputy Commissioner
Kadur District.

Dated, Chikmagalur, 16th January 1918

S140

5568

From

C.Devaraj Urs, Esq.,
Offg. Deputy Commissioner,
Kadur District.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
B A N G A L O R E.

Sir,

I have the honour to acknowledge the receipt of the vernacular papers sent with your docket No.G.1788 dated 10th August 1917.

I have the honour to be,
Sir,
Your most obedient servant,

Offg. Deputy Commissioner,
Kadur District.

D.S.R.

W.D. 0044—GFB—6,00,000—

18 JAN 1918 191 8/1274

From 3831

The Deputy Commissioner
Kadur District

GEN. R. GL.

To The Chief Secretary to the
Govt of Mysore Bangalo

Dated 16th
Despatched 17th } January 19

Received

General No. 8/2 Dis 146/17-18.
No.

Enclosure No. nil

Acknowledging the receip
of the file of Vernacular pap
Sent with his docket No. G
1788 dated 10th August 19